HUMAN RIGHTS

A Source Book

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NCERT

राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

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A SOURCE BOOK

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A Source Book

Reference Book

Compiled and Edited by

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Foreword

Human rights education has been an integral part of the process of articulation of contemporary concept of human rights and their promotion. The General Assembly of the United Nations, while proclaiming the Universal Declaration of Human Rights enjoined upon 'every individual and every organ of society' to 'strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance'. Human rights education has, over the years, become an integral part of the goals and objectives of education and some of its components have been sought to be reflected in the national curriculum framework, the content of courses in various subjects and co-curricular activities and programmes.

The first national curriculum framework, which was formulated in 1975, laid stress on some of the objectives which are important for a programme of human rights education in Indian schools. It stated, "The awakening of social consciousness, the development of democratic values and for a feeling for social justice and national integration are extremely important....National integration can be achieved only through a proper understanding and appreciation of the different sub-cultures of India and the common bonds that hold them together. Discrimination of any kind based on sex, caste, religion, language or region is to be looked at with aversion because it is irrational, unnatural and harmful to the growth of modern India. All subjects should be taught in such a manner as to foster the spirit of scientific humanism". The National Policy on Education which was adopted by India's Parliament in 1986 laid down the policy framework of steps for securing the right to education; it also defined the basic components of core curriculum which reflect some of the important human rights concerns, for all stages of education.

However, in spite of the guidelines laid down in the Policy and the national curriculum framework as well as the attempts to integrate various human rights issues and concerns into the curricula of various subjects, the existing situation with regard to human rights education cannot be considered satisfactory. The setting up of the National Human Rights Commission and the deep interest which the Commission has been evincing for the promotion of human rights education have greatly contributed to the increased effort in strengthening and enriching this area of education.

The publication of the Source Book is one of the steps that the Council is taking for the promotion of human rights education in the country, particularly at the school level. Its purpose is to make available to teachers and students, policy makers and curriculum developers, and other personnel involved in formulating and implementing educational programmes a selection of major documents on human rights and human rights education in one volume. The selection has been classified in four broad sections: 1. Historical Documents; 2. Declarations, Covenants and Conventions issued under the auspices of the United Nations; 3. Human Rights enshrined in the Indian Constitution and Law; 4. Recommendations and Plan of Action formulated by UNESCO for human rights education and some parts of the National Policy on Education having a bearing on human rights.

We are grateful to the National Human Rights Commission for their encouragement and support at every stage in the preparation of this volume. We are particularly grateful to the Commission for making available to us three documents which have been included in Section III of this volume, viz. a Comparative Chart showing the correspondence between different Articles of the Universal

Declaration of Human Rights with the Provisions of the Indian Constitution and Law, a list of Indian Laws relating to Human Rights and a note on the National Human Rights Commission and State Human Rights Commissions.

The present compilation has been prepared by my colleagues Professor Arjun Dev, Ms Indira Arjun Dev and Ms Supta Das. I am thankful to them and to Shri Jitendra Sharma, Senior Advocate, Supreme Court, who has helped my colleagues with materials and advice.

I hope that this volume will be found useful by all those who are interested in promoting human rights and human rights education.

The Council will welcome readers' comments and suggestions on any aspect of this volume.

A.K. SHARMA
Director
National Council of Educational
Research and Training

7 February 1996
New Delhi

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Introduction

Human Rights are generally defined as the rights which every human being is entitled to enjoy and to have protected. All societies and cultures have in the past developed some conception of rights and principles that should be respected and some of these rights and principles have been considered universal in nature. The struggle for the recognition of human rights and the struggle against political, economic, social and cultural oppression, against injustice and inequalities, have been an integral part of the history of all human societies. The conception of the rights which every human being is entitled to enjoy by virtue of being a member of the human species has evolved through history in the course of these struggles.

The origins of the contemporary conception of human rights can be traced to the period of the Renaissance and later of the Enlightenment of which humanism may be said to be the heart and soul. The system of views called humanism extolled man, stressed his essential worth and dignity, expressed deep faith in his limitless creative potential, and proclaimed freedom of the individual and inalienable rights of the individual. The revolutionary movements that began to emerge from about the last quarter of the eighteenth century to oust despotic and authoritarian political regimes made rights of man which they considered inalienable and sacred as the fundamental basis of their struggle as well as of the new order that they sought to build. The two most important declarations which inspired revolutionary movements the world over were the American Declaration of Independence and the French Declaration of the Rights of Man and Citizen. The latter also had a marked universal character. The main concern of these movements *was the ending of despotic rule, establishment of democratic polities (though women continued to be excluded from it for long) and the protection of the liberties of the individual. A new element to the evolving concept of human rights was added by the socialist movement which emerged in the nineteenth century with its stress on the 'abolition of class rule' and the establishment of social and economic equality.*

The contemporary conception of human rights and its universal nature and universal recognition, while based on the rich heritage of the past, should be seen in the specific historical context of the twentieth century. The history of the almost entire first half of the twentieth century is characterized by the prevalence of colonial rule in large parts of the world, the rise of authoritarian governments in many countries and the establishment of fascist barbarous and aggressive regimes in some countries on the one hand and the rise of national liberation movements in the colonies and of movements of democracy and social progress in various countries on the other. The twentieth century also saw the two most devastating wars in human history — the twenty years of 'peace' between the two being mainly a period of preparation for the Second World War. Because of this, the period from 1914, when the First World War broke out, to 1945 when the Second World War ended has been described as the Age of Catastrophe. It was during the closing years of this Age of Catastrophe, during the war against fascism, that the conceptualization and articulation of human rights in their present meaning took place. The most significant feature of the new conceptualization was its universality. It was reflected in various declarations of the war aims proclaimed by countries allied against fascism and militarism. It was expressed in the Charter of the United Nations which began with the following words : "WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men *and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom ...." The Universal Declaration of Human Rights (1948) which was proclaimed in a little over three years after the UN Charter, an elaborate list of human rights intended as 'a common standard of achievement for all peoples and all nations', is the contemporary statement of human rights which are intended to be universally applicable.*

The Universal Declaration of Human Rights was a statement of intent or principle, and not a treaty or a legal agreement between countries or a binding legal document. However, it influenced the constitutions and legal systems of many countries.

The Universal Declaration has been followed by other declarations which present in an elaborate form the human rights principles in respect of specific issues and aspects. There have also been many covenants/conventions which are also elaborate statements of specific rights relating to specific aspects. These covenants/conventions may be considered in a sense more important because the countries that are signatories to them have explicitly agreed to follow them.

It may be useful to refer to certain aspects of the evolution of the contemporary concept of human rights. It is common to refer to the evolving concept in terms of three generations of human rights. The ***first generation rights*** *are those that were concerned mainly with the civil and political rights of the individual or the 'liberty-oriented' rights. These were meant to impose 'negative obligations on governments to desist from interfering with the exercise of individual liberties'. These rights were among the major concerns of all liberal and democratic movements since the nineteenth century.*

The ***second generation rights*** *are those which can be said to be 'security-oriented' and provide for social, economic* *and cultural security. These rights — social, economic and cultural — are more positive in nature in that they make it the duty of the State to ensure that these rights are realized. The Universal Declaration of Human Rights reflects the consensus on the principles which form the basis of the first and second generation rights.*

The ***third generation of human rights*** *are of relatively recent origin. They have evolved in response to various new concerns over which international consensus has emerged in recent years. These include environmental, cultural and developmental rights. They are concerned with rights of groups and peoples rather than of individuals and include such rights as the right to self-determination and the right to development. The developing countries have played a leading role in bringing about international consensus on these rights. The Declaration on the Right to Development adopted by the UN General Assembly in 1986 is the most important example of these rights.*

Since the adoption of the Universal Declaration, there have been many controversies regarding the question of which rights are more important and which less. The representatives of some States had been asserting that civil and political rights are more important than economic, social and cultural rights. They also had serious reservations about acknowledging the right to development which, if effectively implemented, would affect the existing pattern of economic and political power in the world. Other countries stressed the importance of economic, social and cultural rights and the right to development. These controversies, in principle, can be said to have been resolved when all human rights were recognized to be indivisible. The Vienna Declaration, issued after a conference in which representatives of 171 countries and hundreds of non-governmental organizations participated, unambiguously affirmed that ***"All human rights are universal, indivisible, interdependent and interrelated".*** *It has also been affirmed that democracy is the sole guarantor of individual rights — civil, political, economic, social and* *cultural — and collective rights 'within States and within the community of States'.*

As stated earlier, the Universal Declaration has influenced the constitutions and the legal systems of various countries. Many countries are signatories to the covenants/conventions on human rights which means that they have undertaken to implement them. The declarations, though statements of intent or principle, are equally applicable. Therefore, it is the responsibility of the governments to protect and promote all these rights. However, it is necessary to remember the distinction between human rights as articulated in international declarations and covenants/conventions and rights that are laid down in the law of the country and can be enforced, if necessary, through the intervention of the courts.

The record of the past half a century since the adoption of the UN Charter in the implementation of human rights (and even in regard to preservation of peace) has been dismal — some have called it catastrophic. The necessity of building an understanding and concern for making human rights a reality has never been greater. It may be considered, without any exaggeration, an imperative of existence.

Education in human rights has been stressed in all human rights documents and has been viewed as 'an essential contribution to the development of a global human rights culture'. This compilation has been designed with a view to making major human rights documents accessible to the large body of personnel involved in various sectors of education — policy formulation, curriculum development, classroom and out-of-class teaching-learning activities — to enrich the human rights education programmes wherever and in whatever form they exist, and as the basis for promoting awareness of current issues and controversies relating to human rights.

ARJUN DEV

SECTION I

Some Important Historical Documents On Human Rights

1

The Declaration of Independence

On 4 July, 1776, the Second Continental Congress attended by delegates from English colonies in North America adopted the ***Declaration of Independence.*** *The war of independence had already started and was to continue for another six years. The Declaration, however, was an official declaration of independence by the American colonies and formation of the United States of America. The significance of the Declaration goes beyond an expression of the colonies' reasons for proclaiming their independence from Britain. Its world wide significance lies in the assertion that 'all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these, are Life, Liberty, and the pursuit of Happiness'. Reproduced below are excerpts from the* ***Declaration.***

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the people to alter or to abolish it, and to institute a new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies, and such is now the necessity which constraints them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute Tyranny over these States....

2

Declaration of the Rights of Man and Citizen

In 1789 occurred the French Revolution. The storming of the fortress of Bastille, a state prison, by the people of Paris on 14 July that year symbolized the end of autocracy and of the old regime in France. The National Assembly of France which had started meeting in June 1789 adopted the ***Declaration of the Rights of Man and Citizen*** *on 26 August 1789 as a preamble to the new constitution that it was framing for France. This Declaration was truly international in its appeal and inspired revolutionary and democratic movements in almost every country of Europe and in Central and South America and, later, in Asia and Africa. Reproduced below is the text of this* ***Declaration****.*

THE representatives of the French people, constituted as a National Assembly, considering that ignorance, disregard or contempt of the rights of man are the sole causes of public misfortunes and governmental corruption, have resolved to set forth a solemn declaration of the natural, inalienable and sacred rights of man: in order that this declaration, by being constantly present to all members of the social body, may keep them at all times aware of their rights and duties; that the acts of both the legislative and executive powers, by being liable at every moment to comparison with the aim of all political institutions, may be the more fully respected; and that demands of the citizens by being founded henceforward on simple and incontestable principles, may always redound to the maintenance of the constitution and the general welfare.

The Assembly consequently recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and the citizen.

I. Men are born and remain free and equal in rights. Social distinctions may be based only on common utility.

II. The aim of all political association is to preserve the natural and inprescriptible rights of man. These rights are liberty, property, security and resistance to oppression.

III. The principle of all sovereignty rests essentially in the nation. No body and no individuals may exercise authority which does not emanate from the nation expressly.

IV. Liberty consists in the ability to do whatever does not harm another; hence the exercise of the natural rights of each man has no limits except those which assure to other members of society the enjoyment of the same rights. These limits can only be determined by law.

V. Law may rightfully prohibit only those actions which are injurious to society. No hindrance should be put in the way of anything not prohibited by law, nor may any man be forced to do what the law does not require.

VI. Law is the expression of the general will. All citizens have the right to take part, in person or by their representatives, in its formation. It must be the same for all whether it protects or penalizes. All citizens being equal in its eyes are equally admissible to all public dignities, offices and employments, according to their capacity, and with no other distinction than that of their virtues and talents.

VII. No man may be indicted, arrested or detained except in cases determined by law and according to the forms which it has prescribed. Those who instigate, expedite, execute or cause to be executed arbitrary orders should be punished; but any citizen summoned or seized by virtue of the law should obey instantly, and renders himself guilty by resistance.

VIII. Only strictly necessary punishments may be established by law, and no one may be punished except by virtue of a law established and promulgated before the time of the offence, and legally put into force.

IX. Every man being presumed innocent until judged guilty, if it is deemed indispensable to keep him under arrest, all rigor not necessary to secure his person should be severely repressed by law.

X. No one may be disturbed for his opinions, even in religion, provided that their manifestation does not trouble public order as established by law.

XI. Free communication of thought and opinion is one of the most precious of the rights of man. Every citizen may therefore speak, write and print freely, on his own responsibility for abuse of this liberty in cases determined by law.

XII. Preservation of the rights of man and the citizen requires the existence of public force. These forces are therefore instituted for the advantage of all, not for the private benefit of those of whom they are entrusted.

XIII. For maintenance of public forces and for expenses of administration common taxation is necessary. It should be apportioned equally among all citizens according to their capacity to pay.

XIV. All citizens have the right, by themselves or through their representatives, to have demonstrated to them the necessity of public taxes, to consent to them freely, to follow the use made of the proceeds and to determine the shares to be paid, the means of assessment and collection and the duration.

XV. Society has the right to hold accountable every public agent of administration.

XVI. Any society in which guarantee of rights is not assured or the separation of powers not determined has no constitution.

XVII. Property being an invincible and sacred right, no one may be deprived of it except for an obvious requirement of public necessity, certified by law, and then on condition of a just compensation in advance.

3

Declaration of the Rights of Working and Exploited People

The Soviet government which took over power in Russia after the October (Bolshevik) Revolution in 1917 took a number of revolutionary measures and issued a number of Decrees such as the ***Decree on Peace*** *and* ***Decree on Land*** *and Declarations such as the* ***Declaration of the Rights of the Peoples of Russia.*** *A* ***Declaration of the Rights of the Working and Exploited People*** *was proposed at the session of the Constituent Assembly by the Bolshevik delegation. On the refusal of the Constituent Assembly to recognize the Soviet government and approve the* ***Decree on Land*** *and the* ***Declaration of the Rights of the Working and Exploited People,*** *the Constituent Assembly was dissolved on 19 January 1918. The* ***Declaration,*** *parts of which are reproduced below, was subsequently issued by the All-Russian Congress of Soviets.*

I

1. Russia is declared a Republic of Soviets of Workers',. Soldiers' and Peasants' Deputies. All power in the centre and in the localities belongs to these Soviets.

2. The Soviet Russian Republic is established on the basis of a free union of free peoples, as a federation of Soviet national republics.

II

Setting as its fundamental task the destruction of any exploitation of man by man, the complete abolition of the division of society into classes, the merciless suppression of the exploiters, the establishment of a socialist organization of society and the victory of socialism in all countries, the Constituent Assembly further resolves :

1. In order to realize the socialization of the land, private property in land is abolished and the entire land reserve is declared the general property of the people and is handed over to the workers without any purchase, on the principle of equalized use of the land.
   All forests, minerals and waters of general state significance, all live-stock and machinery, all estates and agricultural enterprises are declared national property.

2. The Soviet law on workers' control and on the Supreme Economic Council is confirmed for the purpose of assuring the power of the workers over the exploiters, as a first step towards the complete passing of the factories, mines, railroads and other means of production and transportation into the possession of the Soviet Workers' and Peasants' Republic.

3. The passing of all the banks into the possession of the workers' and peasants' state is confirmed as one of the conditions of the liberation of the working masses from the yoke of capital.

4. General liability to labour service is introduced for the purpose of destroying the parasite classes of society and for the organization of economic life.

5. The arming of the workers, the organization of a socialist Red Army of workers and peasants and the complete disarmament of the propertied classes are decreed in order to assure all power for the workers and in order to remove any possibility of the restoration of the power of the exploiters.

III

1. Expressing an unbending determination to tear humanity out of the claws of finance capital and imperialism, which has flooded the earth with blood in the present, most criminal of all wars, the Constituent Assembly fully adheres to the Soviet Government's policy of tearing up the secret treaties, organizing the broadest fraternization with the workers and peasants of the armies which are now fighting against each other and achieving, at any cost, by revolutionary measures, a democratic peace between peoples, without annexations and contributions, on the basis of free self-determination of the nations.

2. With the same objectives in view the Constituent Assembly insists on a complete breach with the barbarous policy of bourgeois civilization, building up the welfare of the exploiters in a few chosen nations on the enslavement of hundreds of millions of the working population in Asia, in the colonies in general and in little countries.

The Constituent Assembly greets the policy of the Council of People's Commissars, which has proclaimed the complete independence of Finland, has begun to withdraw troops from Persia and has declared freedom of self-determination for Armenia.

The Constituent Assembly regards the Soviet law about the annulment (destruction) of the loans, concluded by the

Governments of the Tsar, the landlords and the bourgeoisie, as the first blow against international banking and finance capital and expresses confidence that the Soviet regime will firmly go forward on this road, until the complete victory of the international working class uprising against the yoke of capital has been achieved ....

4

The Independence Pledge

The Indian National Congress, at its Lahore session held in Lahore in 1929, adopted the attainment of Purna Swaraj (Complete Independence) as its goal. It was decided to observe 26 January every year as the Independence Day. On 26 January 1930, the following Pledge of Independence was adopted by the people at thousands of meetings held all over the country.

WE believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any Government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever the British connection and attain Purna Swaraj or Complete Independence.

India has been ruined economically. The revenue derived from our people is out of all proportion to our income. Our average income is seven pice (less than two pence) per day, and of the heavy taxes we pay, 20 per cent are raised from the Land Revenue derived from the peasantry and 3 per cent from the Salt Tax, which falls most heavily on the poor.

Village industries, such as hand spinning, have been destroyed, leaving the peasantry idle for at least four months in the year, and dulling their intellect for want of handicrafts, and nothing has been substituted, as in other countries, for the crafts thus destroyed.

Customs and currency have been so manipulated as to heap further burdens on the peasantry. British manufactured goods constitute the bulk of our imports. Customs duties betray clear partiality for British manufactures, and revenue from them is used not to lessen the burden on the masses but for sustaining a highly extravagant administration. Still more arbitrary has been manipulation of exchange ratio which has resulted in millions being drained away from the country.

Politically, India's status has never been so reduced as under the British regime. No reforms have given real political power to the people. The tallest of us have to bend before foreign authority. The rights of free expression of opinion and free association have been denied to us and many of our countrymen are compelled to live in exile abroad and cannot return to their homes. All administrative talent is killed and masses have to be satisfied with petty offices and clerkships.

Culturally, the system of education has torn us from our moorings and our training has made us hug the very chains that bind us.

Spiritually, compulsory disarmament has made us unmanly and the presence of an alien army of occupation, employed with deadly effect to crush in us the spirit of resistance, has made us think that we cannot look after ourselves or put up a defence against foreign aggression, or even defend our homes and families from the attacks of thieves, robbers and miscreants.

We hold it to be a crime against man and God to submit any longer to a rule that has caused this four-fold disaster to our country. We recognize, however, that the most effective way of gaining our freedom is not through violence.

We will therefore prepare ourselves by withdrawing, so far as we can, all voluntary association from the British Government, and will prepare for Civil Disobedience, including non-payment of taxes. We are convinced that if we can but withdraw our voluntary help and stop payment of taxes without doing violence, even, under provocation,. the end of this inhuman rule is assured. We therefore hereby solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing Purna Swaraj.

5

Fundamental Rights and Economic Programme

Following the Gandhi-Irwin Pact signed on 5 March 1931, the Civil Disobedience Movement was suspended. The Indian National Congress held its session at Karachi from 29 to 31 March 1931 and adopted the following resolution.

THIS Congress is of opinion that to enable the masses to appreciate what "Swaraj", as conceived by the Congress, will mean to them, it is desirable to state the position of the Congress in a manner easily understood by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declares that any constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide, for the following :

1. Fundamental rights of the people, including :

   (i) freedom of association and combination;
   (ii) freedom of speech and of the press;
   (iii) freedom of conscience and the free profession and practice of religion, subject to public order and morality;

(iv) protection of the culture, language, and scripts of the minorities;

(v) equal rights and obligation of all citizens, without any bar on account of sex;

(vi) no disability to attach to any citizen by reason of his or her religion, caste or creed or sex in regard to public employment, office or power or honour, and in the exercise of any trade or calling;

(vii) equal rights to all citizens in regard to public roads, wells, schools and other places of public resort;

(viii) right to keep and bear arms in accordance with regulations and reservations made in that behalf;

(ix) no person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law.

2. Religious neutrality on the part of the state.

3. Adult suffrage.

4. Free primary education.

5. A living wage for industrial workers, limited hours of labour, healthy conditions of work, protection against the economic consequence of old age, sickness and unemployment.

6. Labour to be freed from serfdom or conditions bordering on serfdom.

7. Protection of woman workers, and specially adequate provisions for leave during maternity period.

8. Prohibition against employment of children of school-going age in factories.

9. Right of labour to form unions to protect their interests with suitable machinery for settlement of disputes by arbitration.

10. Substantial reduction in agricultural rent or revenue paid by the peasantry and in case of uneconomic holdings, exemption from rent for such period as may be necessary, relief being given to small Zamindars wherever necessary by reason of such reduction.

11. Imposition of a progressive income tax on agricultural incomes above a fixed minimum.

12. A graduated inheritance tax.

13. Military expenditure to be reduced by at least one half of the present scale.

14. Expenditure and salaries in civil departments to be largely reduced. No servant of the state, other than specially employed experts and the like, to be paid above a certain fixed figure which should not ordinarily exceed Rs. 500 per month.

15. Protection of indigenous cloth by exclusion of foreign cloth and foreign yarn from the country.

16. Total prohibition of intoxicating drinks and drugs.

17. No duty on salt manufactured in India.

18. Control over exchange and currency policy so as to help Indian industries and bring relief to the masses.

19. Control by the state of key industries and ownership of mineral resources.

20. Control of usury — direct or indirect.

6

India's Charter of Freedom

India's Constituent Assembly which had started meeting on 9 December 1946 to frame the constitution for independent India unanimously adopted the following resolution on 22 January 1947.

THIS Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution :

WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a union of them all; and

WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government are derived from the people; and

WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilized nations; and

THIS ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

SECTION II

Major International Documents : Declarations, Covenants, Conventions

1

United Nations Charter

During the Second World War, a number of meetings and conferences of the representatives of countries fighting against the fascist powers and their allies took place. From January 1942, these countries together came to be known as United Nations. At these meetings and conferences, questions of common strategies for pursuing the war and the aims for which they were fighting the war were discussed and agreements reached. A conference of the representatives of Britain, USA, the Soviet Union and China was held at Dumbarton Oaks, USA, to plan the formation of a peace-keeping organization. The plan prepared at Dumbarton Oaks was discussed at a conference held in San Francisco, USA, from 25 April 1945.

The conference was attended by representatives of 50 countries, including India. On 26 June 1945, all the participating countries signed the **United Nations Charter** *which provides the constitution of the United Nations. The Charter came into effect on 24 October 1945. It reflected the aspirations of the peoples who had been engaged in the war against fascist barbarities and affirmed faith in 'fundamental human rights' and 'in the dignity and worth of the human person'.*

Reproduced below is the full text of the Preamble and Articles 1 and 55 of the Charter.

Article 1

"We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote, social progress and better standards of life in larger freedom,

And for these ends

to practise tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

Have resolved to combine our efforts to accomplish this aim.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations."

Article 1

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

....

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2

Universal Declaration of Human Rights

On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the ***Universal Declaration of Human Rights.*** *The list of Human Rights elaborated in the* ***Declaration*** *provides a common standard of 'achievement for all peoples and all nations.' Considering the world-wide historic significance of this* ***Declaration,*** *the full text of which is reproduced below, 10 December is observed as the World Human Rights Day every year.*

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-government or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right to equal access to public services in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of a social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among the nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration be interpreted as implying for any State, group of person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

3

International Covenant on Economic, Social and Cultural Rights

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*The **Universal Declaration of Human Rights** provided the basis for the formulation by the United Nations of covenant and conventions, declarations and recommendations on specific aspects. The two broad sets of Human Rights affirmed in the **Universal Declaration** —civil and political rights, and economic, social and cultural rights were elaborated and divided into two covenants—the **International Covenant on Economic, Social and Cultural Rights,** and the **International Covenant on Civil and Political Rights.** These three documents—the **Universal Declaration of Human Rights,** the **International Covenant on Civil and Political Rights,** and the **International Covenant on Economic, Social and Cultural Rights**—along with two protocols—the **Optional Protocol to the International Covenant on Civil and Political Rights,** and the **Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty**—constitute the **International Bill of Human Rights.** These are the fundamental documents which lay the basis for the protection and promotion of human rights throughout* *the world. Excerpts from this* ***Covenant,*** *which was adopted by the General Assembly of the United Nations on 16 December 1966 and came into force on 3 January 1976, are reproduced below.*

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that, these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following Articles :

Part 1

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

....

Part 2

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

....

Part 3

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and

productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular :

a. Remuneration which provides all workers, as a minimum, with :

   i. Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

   ii. A decent living for themselves and their families in accordance with the provisions of the present Covenant;

b. Safe and healthy working conditions;

c. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

d. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure :

   a. The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests....

b. The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organizations;

c. The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

d. The right to strike, provided that it is exercised in conformity with the laws of the particular country....

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that :

1. The widest possible protection and assistance should be accorded to the family, which is the natural fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During

such period working mother should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed :

   a. To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

b. Taking into account the problems for both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for :

   a. The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

   b. The improvement of all aspects of environmental and industrial hygiene;

   c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

   d. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding,

tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right :

   a. Primary education shall be compulsory and available free to all;

   b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

   c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

   d. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

   e. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their

children in conformity with their own convictions.

4. No part of this Article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this Article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

....

Article 15

1. The States Parties to the present Covenant recognize the right of everyone :
    a. To take part in cultural life;
    b. To enjoy the benefits of scientific progress and its applications;
    c. To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and culture fields.

....

4

International Covenant on Civil and Political Rights

Reproduced below are excerpts from the ***International Covenant on Civil and Political Rights*** *which was adopted by the General Assembly of the United Nations on 16 December 1966 and came into force on 23 March 1976.*

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following Articles :

Part 1

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect the right, in conformity with the provisions of the Charter of the United Nations.

Part 2

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

   a. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

   b. To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

....

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

....

Part 3

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide....

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women....

Article 7

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3a. No one shall be required to perform forced or compulsory labour....

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release....

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2a. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

  b. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

....

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

....

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law....

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

a. To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

b. To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

c. To be tried without undue delay;

d. To be tried in his present, and to defend himself in person or through legal assistance of his own choosing.

....

g. Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

....

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2

of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary :

a. For respect of the rights or reputations of others;

b. For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

....

Article 23

1. The family is the natural and fundamental group unit

of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

a. To take part in the conduct of public affairs, directly or through freely chosen representatives;

b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expressions of the will of the electors;

c. To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

....

Part 4

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights.

....

International Convention on the Elimination of All Forms of Racial Discrimination

This ***Convention*** *was adopted by the General Assembly of the United Nations on 21 December 1965 and came into force on 4 January 1969. Reproduced below are excerpts from this* ***Convention.***

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in cooperation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly Resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly Resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination....

Have agreed as follows :

Part 1

Article 1

1. In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

....

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not as a consequence, lead to the

maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races....

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention, *inter alia* :

a. Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

b. Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

c. Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law.

....

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, educating, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, and this Convention.

6

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

*This **Convention**, excerpts reproduced below, was adopted by the General Assembly of the United Nations on 10 December 1984 and came in force on 26 June 1987.*

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows :

Part 1

Article 1

1. For the purposes of this Convention, the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions....

Article 2

1. Each State Party shall take effective legislative,

administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

....

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

....

Article 10

1. Each State shall ensure that education and

information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.

2. Nothing in this Article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

7

Convention on the Elimination of All Forms of Discrimination Against Women

*This **Convention** was adopted by the General Assembly of the United Nations on 18 December 1979 and came into force on 3 September 1981. Excerpts from the **Convention** are reproduced below.*

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of *apartheid*, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual cooperation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of people under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

Part 1

Article 1

For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition,. enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake :

a. to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

b. to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

c. to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

d. to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

e. to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

f. to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

g. to repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures :

a. to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

b. to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Part 2

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right :

a. to vote in all elections and public referenda and to be eligible for elections to all publicly elected bodies;

b. to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

c. to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

Part 3

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women :

a. the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

b. access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

c. the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

d. the same opportunities to benefit from scholarships and other study grants;

e. the same opportunities for access to programmes of continuing education, including adult functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

f. the reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

g. the same opportunities to participate actively in sports and physical education;

h. access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

   a. the right to work as an inalienable right of all human beings;

   b. the right to the same employment opportunities; including the application of the same criteria for selection in matters of employment;

   c. the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

   d. the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

   e. the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

   f. the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure

their effective right to work, States Parties shall take appropriate measures:

a. to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

b. to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

c. to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

d. to provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this Article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this Article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free

services where necessary, as well as adequate nutrition during pregnancy and lactation.

....

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

   a. to participate in the elaboration and implementation of development planning at all levels;
   b. to have access to adequate health care facilities, including information, counselling and services in family planning;
   c. to benefit directly from social security programmes;
   d. to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;
   e. to organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

f. to participate in all community activities;

g. to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

h. to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Part 4

Article 15

1. States Parties shall accord to women equality with men before the law.

....

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

   a. the same right to enter into marriage;

   b. the same right freely to choose a spouse and to enter into marriage only with their free and full consent;

   c. the same rights and responsibilities during marriage and at its dissolution;

   d. the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

e. the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

f. the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exists in national legislation; in all cases the interests of the children shall be paramount;

g. the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

h. the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

....

8

Declaration on the Right to Development

The general framework of human rights which were affirmed in international declarations and covenants was mainly concerned with rights of individuals. Various new issues and concerns have led to the emergence of new human rights and their international recognition. A landmark development in the formulation and recognition of new human rights is the ***Declaration on the Right to Development*** *which was adopted by the General Assembly of the United Nations on 4 December 1986. This* ***Declaration*** *is particularly significant for its importance to the developing countries even though the necessary means for enforcing it are lacking.*

The text of this ***Declaration*** *is reproduced below.*

The General Assembly

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

Recalling the provisions of the International Covenant of Economic. Social and Cultural Rights and of the International Covenant on Civil and Political Rights,

Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of human rights and fundamental freedoms, the maintenance of international peace and security and the further promotion of friendly relations and cooperation among States in accordance with the Charter,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Recalling also the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, *apartheid*, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Concerned at the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, *inter alia*, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political economic, social and cultural rights and that accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Considering that international peace and security are essential elements for the realization of the right to development,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the following Declaration on the Right to Development :

Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full

realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being and they should therefore promote and protect an appropriate political, social and economic order for development.

3. States have the right and the duty to formulate appropriate national development policies that aim at constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations.

3. States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights.

Article 4

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from *apartheid*, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

Article 6

1. All States should cooperate with a view to promoting,

encouraging and strengthening universal respect for an observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms

should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Article 9

1. All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.

2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

Article 10

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.

9

Convention on the Rights of the Child

Reproduced below are parts of this **Convention** *which was adopted by the General Assembly of the United Nations on 20 November 1989 and came in force on 2 September 1990.*

Preamble

The States Parties to the present Convention

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in Articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in Article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of International Cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

Part 1

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

....

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

....

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a

decision must be made as to the child's place of residence.

....

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

....

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

....

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

a. encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;

b. encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

c. encourage the production and dissemination of children's books;

d. encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

e. encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

....

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interest cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

....

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration....

....

Article 23

1. States Parties recognize that a mentally or physically disabled chid should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present Article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of

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Acc. No...6152.........
Dated..24-8-05.......

medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

   a. to diminish infant and child mortality;

   b. to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

   c. to combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

   d. to ensure appropriate pre-natal and post-natal health care for mothers;

   e. to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

f. to develop preventive health care, guidance for parents and family planning education and services

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in the present Article. In this regard, particular account shall be taken of the needs of developing countries.

....

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, with their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support

programmes, particularly with regard to nutrition, clothing and housing.

....

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

   a. make primary education compulsory and available free to all;

   b. encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

   c. make higher education accessible to all on the basis of capacity by every appropriate means;

   d. make educational and vocational information and guidance available and accessible to all children;

   e. take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout

the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to :

   a. the development of the child's personality, talents and mental and physical abilities to their fullest potential;

   b. the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

   c. the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

   d. the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

   e. the development of respect for the natural environment.

2. No part of the present Article or Article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present Article and to the requirements that the education given in such institutions shall conform to

such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present Article. To this end, and

having regard to the relevant provisions of other international instruments, States Parties shall in particular:

a. provide for a minimum age or minimum ages for admission to employment;

b. provide for appropriate regulations of the hours and conditions of employment;

c. provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present Article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

a. the inducement or coercion of a child to engage in any unlawful sexual activity;

b. the exploitative use of children in prostitution or other unlawful sexual practices;

c. the exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that :

a. no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

b. no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

c. every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

d. every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces....

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of : any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

....

Part 2

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

10

The Vienna Declaration and Programme of Action

The World Conference on Human Rights was held at Vienna, Austria, from 14 to 25 June 1993. The Conference, the largest ever gathering of this kind was attended by about 7000 participants representing 171 States and numerous national and international bodies and non-governmental organizations. The objectives of the Conference were, among others, to 'review and assess progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights in 1948, examine the link between development and the enjoyment of economic, social, cultural, civil and political rights, identify obstacles and ways in which they might be overcome'.

It was preceded by three regional conferences which were held in Tunis (Tunisia), San Jose (Costa Rica) and Bangkok (Thailand). On 25 June 1993, the Conference adopted the Vienna Declaration and Programme of Action which was subsequently endorsed by the General Assembly of the United Nations. Of particular significance is the Vienna Declaration's recognition and affirmation of the interdependence between democracy, development and human rights and the universality, indivisibility and interdependence of human rights. The Declaration's recommendation to the General Assembly of the United Nations for the establishment of a High

Commissioner for Human Rights for the promotion and protection of all human rights was accepted in December 1993. Reproduced below are some parts of this Declaration.

Part 1

1. The World Conference on Human Rights reaffirms the solemn commitment of all Sates to fulfill their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

   In this framework, enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations.

   Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.

2. All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

   Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.

....

5. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

....

8. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.

9. The World Conference on Human Rights reaffirms that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development.

10. The World Conference on Human Rights reaffirms the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights.

As stated in the Declaration on the Right to Development, the human person is the central subject of development.

While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights.

States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realization of the right to development and elimination of obstacles to development.

Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

11. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognizes that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone.

Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern.

12. The World Conference on Human Rights calls upon the international community to make all efforts to help alleviate the external debt burden of developing countries, in order to supplement the efforts of the Government of such countries to attain the full realization of the economic, social and cultural rights of their people.

....

14. The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community.

15. Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law. The speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance is a priority task for the international community. Governments should take effective measures to prevent and combat them....

16. The World Conference on Human Rights welcomes the progress made in dismantling apartheid and calls upon the international community and the United Nations system to assist in this process....

17. The acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of

States and destabilizing legitimately constituted Governments. The international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.

18. The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated ....

19. Considering the importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of such promotion and protection to the political and social stability of the States in which such persons live.

The World Conference on Human Rights reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law....

The persons belonging to minorities have the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination.

20. The World Conference on Human Rights recognizes the inherent dignity and the unique contribution of indigenous people to the development and plurality of

society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development. States should ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. Considering the importance of the promotion and protection of the rights of indigenous people, and the contribution of such promotion and protection to the political and social stability of the States in which such people live, States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization.

....

22. Special attention needs to be paid to ensuring non-discrimination, and the equal enjoyment of all human rights and fundamental freedoms by disabled persons, including their active participation in all aspects of society.

23. The World Conference on Human Rights reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country....

The World Conference on Human Rights recognizes that gross violation of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people.

The World Conference on Human Rights recognizes that, in view of the complexities of the global refugee crisis and in accordance with the Charter of the United

Nations, relevant international instruments and international solidarity and in the spirit of burden-sharing, a comprehensive approach by the international community is needed in coordination and cooperation with the countries concerned and relevant organizations, bearing in mind the mandate of the United Nations High Commissioner for Refugees....

In accordance with the Charter of the United Nations and the principles of humanitarian law, the World Conference on Human Rights further emphasizes the importance of and the need for humanitarian assistance to victims of all natural and man-made disasters.

24. Great importance must be given to the promotion and protection of the human rights of persons belonging to groups which have been rendered vulnerable, including migrant workers, the elimination of all forms of discrimination against them, and the strengthening and more effective implementation of existing human rights instruments....

25. The World Conference on Human Rights affirms that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion and to promote the enjoyment of the fruits of social progress. It is essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty.

....

28. The World Conference on Human Rights expresses

its dismay at massive violations of human rights especially in the form of genocide, "ethnic cleansing" and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons. While strongly condemning such abhorrent practices it reiterates the call that perpetrators of such crimes be punished and such practices immediately stopped.

29. The World Conference on Human Rights expresses grave concern about continuing human rights violations in all parts of the world in disregard of standards as contained in international human rights instruments and international humanitarian law and about the lack of sufficient and effective remedies for the victims....

30. The World Conference on Human Rights also expresses its dismay and condemnation that gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law.

31. The World Conference on Human Rights calls upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full

realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services. The World Conference on Human Rights affirms that food should not be used as a tool for political pressure.

32. The World Conference on Human Rights reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.

33. The World Conference on Human Rights reaffirms that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Right and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference on Human Rights emphasizes the importance of incorporating the subject of human rights education programmes and calls upon States to do so. Education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives. Therefore, education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels. The World

Conference on Human Rights notes that resource constraints and institutional inadequacies may impede the immediate realization of these objectives.

....

36. The World Conference on Human Rights reaffirms the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information, and education in human rights.

The World Conference on Human Rights encourages the establishment and strengthening of national institutions, having regard to the "Principles relating to the status of national institutions" and recognizing that it is the right of each State to choose the framework which is best suited to its particular needs at the national level.

....

Part 2

B. Equality, Dignity and Tolerance

1. Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance

19. The World Conference on Human Rights considers the elimination of racism and racial discrimination, in particular in their institutionalized forms such as apartheid or resulting from doctrines of racial superiority or exclusivity or contemporary forms and manifestations of racism, as a primary objective for the

international community and a world-wide promotion programme in the field of human rights .

....

20. The World Conference on Human Rights urges all Governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation, including penal measures, and by the establishment of national institutions to combat such phenomena.

....

22. The World Conference on Human Rights calls upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religions or belief, including practices of discrimination against women and including the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion....

23. The World Conference on Human Rights stresses that all persons who perpetrate or authorize criminal acts associated with ethnic cleansing are individually responsible and accountable for such human rights violations, and that the international community should exert every effort to bring those legally responsible for such violations to justice.

24. The World Conference on Human Rights calls on all States to take immediate measures, individually and collectively, to combat the practice of ethnic cleansing

to bring it quickly to an end. Victims of the abhorrent practice of ethnic cleansing are entitled to appropriate and effective remedies.

....

2. Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

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26.The World Conference on Human Rights urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

27.Measures to be taken, where appropriate, should include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.

....

31.The World Conference on Human Rights urges States to ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them.

....

33.The World Conference on Human Rights urges all States to guarantee the protection of the human rights of all migrant workers and their families.

34.The World Conference on Human Rights considers that the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside is of particular importance.

....

4. The Rights of the Child

....

47. The World Conference on Human Rights urges all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation, to achieve the goals in the World Summit Plan of Action. The Conference calls on States to integrate the Convention on the Rights of the Child into their national action plans. By means of these national action plans and through international efforts, particular priority should be placed on reducing infant and maternal mortality rates, reducing malnutrition and illiteracy rates and providing access to safe drinking-water and the basic education. Whenever so called for, national plans of action should be devised to combat devastating emergencies resulting from natural disasters and armed conflicts and the equally grave problem of children in extreme poverty.

48. The World Conference on Human Rights urges all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse.

49.The World Conference on Human Rights supports all measures by the United Nations and its specialized agencies to ensure the effective protection and promotion of human rights of the girl child. The World Conference on Human Rights urges States to repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl-child.

50.The World Conference on Human Rights strongly supports the proposal that the Secretary-General initiate a study into means of improving the protection of children in armed conflicts. Humanitarian norms should be implemented and measures taken in order to protect and facilitate assistance to children in war zones. Measures should include protection for children against indiscriminate use of all weapons of war, especially antipersonnel mines. The need for aftercare and rehabilitation of children traumatized by war must be addressed urgently. The Conference calls on the Committee on the Rights of the Child to study the question of raising the minimum age of recruitment into armed forces.

....

5. Freedom from Torture

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57.The World Conference on Human Rights therefore urges all States to put an immediate end to the practice of torture and eradicate this evil for ever through full implementation of the Universal Declaration of Human Rights as well as the relevant conventions and, where necessary, strengthening of existing mechanisms.

....

62. The World Conference on Human Rights, welcoming the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance, calls upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearances. The World Conference on Human Rights reaffirms that it is the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrators.

6. The Rights of the Disabled Person

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63. The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

64. The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

....

D. Human Rights Education

78. The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.

79. States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The World Conference on Human Rights calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

80. Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.

81. Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.

82. Governments, with the assistance of intergovernmental organizations, national institutions and non-governmental organizations, should promote an increased awareness of human rights and mutual tolerance. The World Conference on Human Rights underlines the importance of strengthening the World Public Information Campaign for Human Rights carried out by the United Nations. They should initiate and support education in human rights and undertake effective dissemination of public information in this field. The advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession. The proclamation of a United Nations decade for human rights education in order to promote, encourage and focus these educational activities should be considered.

....

SECTION III

Human Rights in Indian Constitution and Law

1

Human Rights Enshrined in Indian Constitution

During the struggle for freedom from the foreign yoke, which included the struggle against the Indian Princes, the people of India evolved their vision of independent India. This vision found its articulation in the various programmes, resolutions and activities which were adopted by the Indian National Congress which led the struggle and included the resolve to establish a democratic and secular polity based on adult franchise, the reconstruction of Indian society and economy on the principles of social justice and egalitarianism, and recognition of and pride in India's cultural diversity and variety. It had inherited the rich heritage of the social reform movements which had started in the nineteenth century to rid Indian society of many traditional ills which plagued it. The fight for civil liberties had been from the beginning an integral part of the Indian freedom movement. The Indian freedom movement also developed an internationalist outlook and visualized the Indian struggle as a part of the world-wide struggle for freedom, democracy and social progress. Because of this vision, the Indian freedom movement extended its support to the freedom movements of other countries and allied itself with the forces of democracy and social progress in other countries. While fighting for India's independence, it extended its sympathy and support to *the victims of fascist aggression and barbarism before and during the Second World War. The ideals of the freedom movement were sought to be reflected in the Indian Constitution which was framed by India's Constituent Assembly which began its task in September 1946 when India was still not free and completed it on 26 November 1949.*

Reproduced below are the ***Preamble*** *to the Constitution and parts of Part III on* ***Fundamental Rights*** *and Part IV on* ***Directive Principles*** *which together have been described as forming the core of the Constitution, and which together reflect the basic principles of the* ***Universal Declaration of Human Rights and the Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights.*** *Also reproduced are Part IVA of the Constitution on* ***Fundamental Duties*** *and Articles 226, 300A, 325 and 326.*

i

THE CONSTITUTION OF INDIA

Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens :

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all;

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation ;

IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

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Part III

FUNDAMENTAL RIGHTS

General

12.**Definition** — In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

13.**Laws inconsistent with or in derogation of the fundamental rights —**

1. All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

2. The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

3. In this article, unless the context otherwise requires,—

   a. "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;

   b. "laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed ....

Right to Equality

14. **Equality before law** — The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15. **Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth —**

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them .

2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

   a. access to shops, public restaurants, hotels and places of public entertainment; or

   b. the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.

3. Nothing in this article shall prevent the State from making any special provision for women and children.

4. Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

16. **Equality of opportunity in matters of public employment —**

1. There shall be equality of opportunity for all citizens in

matters relating to employment or appointment to any office under the State.

2. No citizen shall, on grounds only of religion, race,. caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of , any employment or office under the State.

3. Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

4. Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

5. Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

17. **Abolition of Untouchability** — "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

18. Abolition of titles —

1. No title, not being a military or academic distinction, shall be conferred by the State.

2. No citizen of India shall accept any title from any foreign State.

3. No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

4. No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.

Right to Freedom

19. Protection of certain rights regarding freedom of speech, etc. —

1. All citizens shall have the right —

    a. to freedom of speech and expression;
    b. to assemble peaceably and without arms;
    c. to form associations or unions;
    d. to move freely throughout the territory of India;
    e. to reside and settle in any part of the territory of India; and
    g. to practise any profession, or to carry on any occupation, trade or business.

2. Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes

reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

3. Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interest of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

4. Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

5. Nothing in sub-clause (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

   b. Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

20. Protection in respect of conviction for offences

1. No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

2. No person shall be prosecuted and punished for the same offence more than once.

3. No person accused of any offence shall be compelled to be a witness against himself.

21. **Protection of life and personal liberty** — No person shall be deprived of his life or personal liberty except according to procedure established by law.

22. Protection against arrest and detention in certain cases —

1. No person who is arrested shall be detained in custody without being informed, as soon as may be, of the

grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

2. Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

3. Nothing in clauses (1) and (2) shall apply

    a. to any person who for the time being is an enemy alien; or

    b. to any person who is arrested or detained under any law providing for preventive detention.

4. No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless—

    a. an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention :

       Provided that nothing in this sub-clause shall authorize the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or

    b. such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

5. When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

6. Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

7. Parliament may by law prescribe

   a. the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4) ;

   b. the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention ; and

   c. the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

Right against Exploitation

23. Prohibition of traffic in human beings and forced labour —

1. Traffic in human beings and *begar* and other similar

forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

2. Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

24. **Prohibition of employment of children in factories, etc.** — No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Right to Freedom of Religion

25. **Freedom of conscience and free profession, practice and propagation of religion —**

1. Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

2. Nothing in this article shall affect the operation of any existing law or prevent the State from making any law —

   a. regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

   b. providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation 1 — The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

Explanation II — In sub-clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

26. **Freedom to manage religious affairs** — Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

a. to establish and maintain institutions for religious and charitable purpose;

b. to manage its own affairs in matters of religion;

c. to own and acquire movable and immovable property; and

d. to administer such property in accordance with law.

27. **Freedom as to payment of taxes for promotion of any particular religion** — No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

28. **Freedom as to attendance at religious instruction or religious worship in certain educational institutions** —

1. No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

2. Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

3. No person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or. to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

Cultural and Educational Rights

29. Protection of interests of minorities —

1. Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

2. No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

30. Right of minorities to establish and administer educational institutions —

1. All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

1A. In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

2. The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

....

31C. **Saving of laws giving effect to certain directive principles** — Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing all or any of the principles laid down in Part IV shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by article 14 or article 19; and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy....

Right to Constitutional Remedies

32. **Remedies for enforcement of rights conferred by this Part —**

1. The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

2. The Supreme court shall have power to issue directions or orders or writs, including writs in the nature of

habeas corpus, mandamus, prohibition, *quo warranto* and *certiorari,* whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

3. Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

4. The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

33.**Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc. —** Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to,—

a. the members of the Armed Forces; or

b. the members of the Forces charged with the maintenance of public order; or

c. persons employed in any bureau or other organization established by the State for purposes of intelligence or counter intelligence; or

d. persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organization referred to in clauses (a) to (c),

be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

34. **Restriction on rights conferred by this Part while martial law is in force in any area** — Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area.

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iii

Part IV

DIRECTIVE PRINCIPLES OF STATE POLICY

36. **Definition** — In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III.

37. **Application of the principles contained in this Part** — The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

38. **State to secure a social order for the promotion of welfare of the people —**

1. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

2. The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

39. **Certain principles of policy to be followed by the State** — The State shall, in particular, direct its policy towards securing —

a. that the citizen, men and women equally, have the right to an adequate means of livelihood;

b. that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

c. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

d. that there is equal pay for equal work for both men and women;

e. that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

f. that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

39A. **Equal justice and free legal aid —** The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

40. **Organisation of village panchayats** — The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

41. **Right to work, to education and to public assistance in certain cases** — The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

42. **Provision for just and humane conditions of work and maternity relief** — The State shall make provision for securing just and humane conditions of work and for maternity relief.

43. **Living wage, etc., for workers** — The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.

43 A. **Participation of workers in management of industries** — The State shall take steps, by suitable

legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisation engaged in any industry.

44. **Uniform civil code for the citizens —** The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

45. **Provision for free and compulsory education for children —** The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

46. **Promotion of educational and economic interests of Scheduled Castes, Schedule Tribes and other weaker sections —** The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

47. **Duty of the State to raise the level of nutrition and the standard of living and to improve public health —** The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

48. **Organization of agriculture and animal husbandry —** The State shall endeavour to organize agriculture

and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

48 A. **Protection and improvement of environment and safeguarding of forests and wild life**—The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

49. **Protection of monuments and places and objects of national importance** — It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance, from spoilation, disfigurement, destruction, removal, disposal or export, as the case may be.

50. **Separation of judiciary from executive** — The State shall take steps to separate the judiciary from the executive in the public services of the State.

51. **Promotion of international peace and security—**

The State shall endeavour to —

a. promote international peace and security;

b. maintain just and honourable relations between nations;

c. foster respect for international law and treaty obligations in the dealings of organized people with one another; and

d. encourage settlement of international disputes by arbitration.

iv

PART IV A

FUNDAMENTAL DUTIES

51A. **Fundamental duties** — It shall be the duty of every citizen of India —

a. to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

b. to cherish and follow the noble ideals which inspired our national struggle for freedom;

c. to uphold and protect the sovereignty, unity and integrity of India;

d. to defend the country and render national service when called upon to do so;

e. to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

f. to value and preserve the rich heritage of our composite culture;

g. to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

h. to develop the scientific temper, humanism and the spirit of inquiry and reform;

i. to safeguard public property and to abjure violence;

j. to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

V
SOME OTHER PROVISIONS

Article 226. Power of High Courts to issue certain writs —

1. Notwithstanding anything in articles 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

2. The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

3. Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—

    a. furnishing to such party copies of such petition and all documents in support of the pleas for such interim order; and

b. giving such party an opportunity of being heard,

makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

4. The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.

Article 300A. Persons not to be deprived of property save by authority of law —No person shall be deprived of his property save by authority of law.

Article 325. No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex —There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Article 326. Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage — The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

2

Universal Declaration of Human Rights and Provisions of Indian Constitution and Law

The framing of the **Constitution of India** *had started about two years before the* **Universal Declaration of Human Rights** *was adopted. However, every Article of the Universal Declaration is reflected in the Indian Constitution, which was adopted by India's Constituent Assembly on 26 November 1949, and law. The following comparative chart shows the correspondence between different Articles of the Universal Declaration of Human Rights with the provisions of the Indian Constitution and law. (The text of the Universal Declaration and most of the provisions of the Constitution of India has been reproduced in the preceding pages.)*

Comparative Chart Showing Correspondence of Different Articles of Universal Declaration of Human Rights with the Provisions of Indian Constitution and Law

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
1.	All men are born free and are equal in dignity and in their rights.	14	The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
2.	No discrimination on the ground of race, colour, sex, language, religion, birth.	15	The State shall not discriminate against any citizen on grounds only of religion, race, caste,. sex, place of birth or any of them.
3.	Right to life	21	No person shall be deprived of his life or personal liberty except according to procedure established by law.
4.	No slavery	23	Traffic in human beings and *begar* and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
5.	No torture, cruelty, inhuman or degrading treatment.	21	'State of Maharashtra vs. Ravikant S. Patil. (1991) 2 SCC 373. Handcuffing and parading of undertrial prisoner was held violative of rights under Article 21.

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
			[†]Bandhua Mukti Morcha vs. Union of India, (1984) 3 SCC 161 and (1991) 4 SCC 177. Right to live with human dignity held to be enshrined in Article 21. [†]Maneka Gandhi vs. Union of India (1978) 1 SCC 248. The expression "personal liberty" under Art. 21 is a phrase of wide amplitude and covers a variety of rights which go to constitute personal liberty of man including right to safety of his person.
6.	Right to recognition everywhere as a person before the law.	14 & 21	
7.	Equality before law	14	
8.	Right to effective remedy	32	1. The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by Part III of the Constitution is guaranteed. 2. Supreme Court shall issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* whichever may be appropriate, for the

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
			enforcement of any of the rights conferred by this Part.
			4. The right guaranteed by this article shall not be suspended except as otherwise provided by this Constitution.
		226	Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.
9.	Arbitrary arrest and detention	22	1. No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
			2. Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
10.	Public hearing and fair trial	39A	The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
		304* (CCP)	Where in a trial before the Court, the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State.

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
		303* (CCP)	Any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code, may of right be defended by a pleader of his choice.
		327* (CCP)	The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them.
11.	Presumption of innocence and Criminal Law until proved guilty in public trial. No retrospective declaration of offence nor retrospective objective of higher sentence by retrospective amendments		The Principle of Common Law, the Doctrine of Rule of Law, Presumption of innocence till guilt is established.
		20	(1) No person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
12.	Privacy, family, home, correspondence, reputation, protection of law against interference or of force		Each one is covered by the law enacted by Parliament and is protected.
13.	(i) Freedom of Movement and Residence	19	d. To move freely throughout the territory of India. e. To reside and settle in any part of the territory of India.
	(ii) Right to live and return to country		Provisions of the Passport Act.
14.	Right to Religion	25	All persons are equally entitled to freedom of conscience and free profession, practice and propagation of religion.
15.	(i) Right to Nationality (ii) Change of Nationality	5	At the commencement of this Constitution, every person who has his domicile in the territory of India and (a) who was born in the territory of India; or (b) either of whose parents was born in the territory of India; or (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
		9	No person shall be a citizen of India by virtue of Article 5 or be deemed to be a citizen of India by virtue of Article 6 or Article 8, if he has voluntarily acquired the citizenship of any foreign state.
		10	Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, subject to the provisions of any law that may be made by Parliament, continue to be such citizen.
16.	Marriage and Family		Covered by suitable legislation applicable to people of different religions.
17.	Property	300A	Persons not be deprived of property save by authority of law.
18.	Freedom of thought and conscience	25(1)	All persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.
19.	Freedom of information and expression	19(a)	All citizens shall have the right to speech and expression.
20.	Peaceful assembly and association	19(b)	All citizens shall have the right to assemble peaceably and without arms.

Sl. No. of Article	Declaration of Human Rights	Article No.	Provisions of the Indian Constitution and Law
		19(c)	To form associations or unions.
21.	(i) Democracy	325	There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.
		326	The elections to the House of the People and the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than 18 years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
	(ii) Public Service	16(1)	There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
		16(2)	No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
	(iii) Elections	326	Elections
22.	Social Security	38(1)	The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
23.	(i) Right to work	41	The State shall. within the limits of its economic capacity and development. make effective provision for securing the right to work. to education and to public assistance in cases of unemployment, old age, sickness and disablement. and in other cases of undeserved want.

Sl. No. of Article	Declaration of Human Rights	Article No.	Provisions of the Indian Constitution and Law
	(ii) Right to equal pay	39(a)	The State shall, in particular, direct its policy towards securing — that the citizens, men and women equally, have the right to an adequate means of livelihood.
	(iii) Remuneration keeping human dignity	43	The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full employment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.
	(iv) Right to form and join unions	19(1)(c)	
24.	Right to rest, reasonable working hours	43	
25.	(i) Standard of living adequate for health and well-being	47	The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
			for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
	(ii) Motherhood and childhood	39(f)	The State shall, in particular, direct its policy towards securing — that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
		42	The State shall make provision for securing just and humane conditions of work and for maternity relief.
26.	Right to education	45	The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free compulsory education for all children until they complete the age of fourteen years.
27.	(i) Free participation in cultural life (ii) Protection of moral and material interest	51A(f)	To value and preserve the rich heritage of our composite culture.
28.	Social and international order	38	

Sl. No. of Article	Declaration of Human Rights	Article No.	Provisions of the Indian Constitution and Law
		51	The State shall endeavour to (a) promote international peace and security; (b) maintain just and honourable relations between nations; (c) foster respect for international law and treaty obligations in the dealings of organised people with one another; and (d) encourage settlement of international disputes by arbitration.
29.	Duties	51A	It shall be the duty of every citizen of India — (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; (b) to cherish and follow the noble ideals which inspired our national struggle for freedom; (c) to uphold and protect the sovereignty, unity and integrity of India; (d) to defend the country and render national service when called upon to do so; (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women; (f) to value and preserve the rich heritage of our composite culture; (g) to protect and improve the

Sl. No. of Article	*Declaration of Human Rights*	*Article No.*	*Provisions of the Indian Constitution and Law*
			natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; (h) to develop the scientific temper, humanism and the spirit of inquiry and reform; (i) to safeguard public property and to abjure violence; and (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

' These are references to the judgements of the Supreme Court of India.

* These provisions are from the Code of Criminal Procedure, 1973.

3

Indian Laws Relating to Human Rights

The following is a list of some of the important national statutes which have a bearing on the promotion/ protection of Human Rights.

1. Constitution of India (Preamble Parts 'III, IV and IVA, Articles 226, 300A, 325, 326).

2. Protection of Human Rights Act, 1993.

   'The Act provides for the constitution of a National Human Rights Commission, State Human Rights commissions, and Human Rights Courts for better protection of human rights'.

3. National Commission for Scheduled Castes and Scheduled Tribes.

   'Article 338 of the Constitution requires constitution of the National Commission for Scheduled Castes and Scheduled Tribes for better protection of the rights of the members of the Scheduled Castes and Scheduled Tribes'.

4. National Commission for Minorities Act, 1992.

   'An Act to constitute a National Commission for Minorities for better protection of the rights of the minorities'.

5. National Commission for Women Act, 1990.

   'An Act to constitute a National Commission for Women for better protection of the rights of women'.

6. Protection of Civil Rights Act, 1955.

   'Under Article 17 of the Constitution, untouchability is abolished and its practice in any form is forbidden. By this Act, enforcement of any disability arising out of untouchability has been made an offence punishable in accordance with the relevant provisions'.

7. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

   'An Act to prevent the commission of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, for constitution of special courts for trial of such offences, and to provide relief and rehabilitation to the victims'.

8. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

   'Fraternity, assuring the dignity of the individual is one of the objects proclaimed in the Preamble to the Constitution. Article 47 requires the State to raise the standard of living and improve the health of the people. This Act has been enacted to achieve those objectives. It provides for the prohibition of all manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water-seal latrines'.

9. Immoral Traffic (Prevention) Act, 1956.

   'Article 23 of the Constitution prohibits traffic in human beings. On 9 May 1950, India ratified the International Convention for Suppression of Immoral Traffic in Women and Girls. This is an Act to give effect to the same'.

10. Indecent Representation of Women (Prohibition) Act, 1986.

'An Act to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures, or in any other manner.'

11. Dowry Prohibition Act, 1961.

'This is an Act to prohibit the evil practice of giving and taking of dowry'.

12. Commission of Sati (Prevention) Act, 1987.

'Sati or burning or burying alive of widows or women is revolting to the feelings of human nature and is nowhere enjoined by any of the religions of India as an imperative duty. This is an Act for effective prevention of the commission of Sati and its glorification'.

13. Maternity Benefit Act, 1961.

'This is an Act to provide maternity benefits, etc., and to regulate employment of women in certain establishments for certain periods before and after child birth'.

14. Child Marriage Restraint Act, 1929.

'This was enacted with a view to preventing child marriages, namely, a marriage to which either of the contracting parties is under the specified age'.

15. Children (Pledging of Labour) Act, 1933.

'An Act to prohibit the pledging of the labour of children and the employment of children whose labour has been pledged'.

16. Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960.

'An Act to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and to penalise criminal activities indulged in such institutions'.

17. Children Act, 1960.

'An Act to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of children and for trial of delinquent children in the Union territories'.

18. Child Labour (Prohibition and Regulation) Act, 1986.

'The Act bans employment of children in specified occupations and processes, lays down a procedure for inclusion in the schedule of banned occupations and processes and regulates the conditions of work of children in employments where they are not prohibited from working'.

19. Juvenile Justice Act, 1986.

'An Act to provide for the care, protection treatment, development and rehabilitation of neglected or delinquent juveniles and to provide a specialised approach for the juvenile justice system'.

20. Young Persons (Harmful Publications) Act, 1956.

'Pictorial and other publications containing stories of crime, violence, cruelty or incidents of repulsive or horrible nature would tend to corrupt a young person and incite or encourage him to commit such acts. The Act seeks to prevent the dissemination of publications which are harmful to young persons'.

21. Caste Disabilities Removal Act, 1950.

'The Act provides that when in a civil suit the parties belong to different persuations, the laws of the religions of the parties shall not be permitted to operate to deprive such parties of any property to which but for the operation of such laws, they would have been entitled'.

22. Mental Health Act, 1987.

'The Act regulates determination of lunacy, reception, care and treatment of mentally ill persons'.

23. Bonded Labour (System) Abolition Act, 1976.

'Article 23 of the Constitution prohibits "begar" and other similar forms of forced labour and further provides that any contravention of the said prohibition shall be an offence punishable in accordance with law. The Act provides for the abolition of bonded labour system to prevent the economic and physical exploitation of the weaker sections of the people'.

Some other important statutes are the following :

1. The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
2. Medical Termination of Pregnancy Act, 1971.
3. The Transplantation of Human Organs Act, 1994.
4. Orphanages and Other Charitable Home (Supervision and Control) Act, 1960.

5. The SAARC Convention (Suppression of Terrorism) Act, 1993.
6. Environmental Protection Act, 1986.
7. Beedi and Cigar Workers (Conditions of Employment) Act, 1966.
8. Beedi Workers Welfare Fund Act, 1976.
9. Trade Unions Act, 1926.
10. Industrial Disputes Act, 1947.
11. Workmen's Compensation Act, 1923.
12. Industrial Employment Standing Orders Act, 1946.
13. Factories Act, 1948.
14. Employees State Insurance Act, 1948.
15. Minimum Wages Act, 1948.
16. The Employees Provident Funds and Miscellaneous Provisions Act, 1952.
17. Apprentices Act, 1961.
18. Equal Remuneration Act, 1976.
19. Payment of Wages Act, 1936.
20. Weekly Holidays Act, 1942.

4

National Human Rights Commission and State Human Rights Commissions

The National Human Rights Commission was constituted in October 1993 under the Human Rights Ordinance of 28 September 1993, which was soon after enacted as the Protection of Human Rights Act, 1993 (No. 10 of 1994) (hereinafter referred to as 'the Act'). It is a fully autonomous body; its autonomy derived out of the method of appointment of the members, their fixity of tenure, and statutory guarantees thereto, the status they have been accorded; the manner in which the staff responsible to the Commission would be appointed and would conduct themselves; as also the autonomy it enjoys in terms of its financial powers.

Composition of the Commission

The Act envisages that the Commission shall consist of :

a. a Chairperson who has been a Chief Justice of the Supreme Court;

b. one Member who is or has been, a Judge of the Supreme Court;

c. one Member who is, or has been, the Chief Justice of a High Court;

d. two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

The Chairperson of the National Commission for Minorities, the National Commission for the Scheduled Castes and Scheduled Tribes and the National Commission for Women shall be deemed to be Members of the Commission for the discharge of certain functions.

There shall be a Secretary-General of the rank of the Secretary to the Government of India who shall function as the Chief Executive Officer of the Commission.

The Headquarters of the Commission shall be at Delhi and there is an enabling provision in the Act to establish offices at other places in India with the previous approval of the Central Government.

The method of appointment envisaged in the Act is unique inasmuch as it is made by the President on the recommendations of a high-powered Committee consisting of the following :

a. The Prime Minister — *Chairperson*

b. Speaker of the House of the People — *Member*

c. Minister in-charge of the MHA in the Government of India — *Member*

d. Leader of the Opposition in the House of the People — *Member*

e. Leader of the Opposition in the Council of States — *Member*

f. Deputy Chairman of the Council of States — *Member*

However, no sitting Judge of the Supreme Court or a sitting Chief Justice of a High Court shall be appointed without consultation with the Chief Justice of India.

The Chairperson or any other Member of the Commission can only be removed from his office by an order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court has, on an inquiry held in this behalf recommended such removal.

The term of office of the Chairperson and members will be five years from the date of assumption of office or until the age of 70 years, whichever is earlier. On ceasing to hold office, the Chairperson and Members shall be ineligible for further appointment under the Government of India or under the Government of any State.

Officers and Other Staff of the Commission

The Act provides that besides the Secretary-General, the Central Government shall make available to the Commission such police and investigative staff and an officer not below the rank of Director General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission. The Commission may appoint other administrative, technical and scientific staff considered necessary in conformity with the Rules made by the Central Government in this behalf.

Definition of Human Rights

In terms of Section 2 of the Act, "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in

India. "International Covenants" means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on 16 December 1966.

Functions of the Commission

The following functions devolve on the Commission under the Act :

a. inquire, on its own initiative or on a petition presented to it by a victim or any persons on his behalf, into complaints of —

   (i) violation of human rights or abetment thereof; or
   (ii) negligence in the prevention of such violation, by a public servant.

b. intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court ;

c. visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon ;

d. review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

e. review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

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f. study treaties and other international instruments on human rights and make recommendations for their effective implementation;

g. undertake and promote research in the field of human rights;

h. spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

i. encourage the efforts of non-governmental organisations and institutions working in the field of human rights; and

j. such other functions as it may consider necessary for the promotion of human rights.

Procedure for Dealing with Complaints

The complaints are expected to be self-contained. They may be in Hindi, English or in any language included in the Eighth Schedule of the Constitution. No fee is charged on complaints. The Commission may ask for further information and affidavits to be filed in support of allegations whenever considered necessary. The Commission may, in its discretion, accept telegraphic complaints and complaints conveyed through FAX.

Nature of Complaints not Entertained

Ordinarily, complaints of the following nature are not entertained by the Commission:

a. in regard to events which happened more than one year before the making of the complaints;

b. with regard to matters which are sub-judice;

c. which are vague, anonymous or pseudonymous;

d. which are of frivolous nature;

e. those which are outside the purview of the Commission; and

f. which pertain to service matters.

Powers Relating to Inquiries

The Commission is vested with the wide ranging powers relating to inquiries and investigation under the Act. While inquiring into complaints under the Act, the Commission could exercise all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following, namely:

a. summoning and enforcing the attendance of witnesses and examining them on oath;

b. discovery and production of any document;

c. receiving evidence on affidavits;

d. requisitioning any public record or copy thereof from any court or office;

e. issuing commissions for the examination of witnesses or documents; and

f. any other matter which may be prescribed.

Investigation Staff

The Commission has its own investigating staff for investigation into complaints of human rights violations. Under the Act, it is also open to the Commission to utilize the services of any officer or investigation agency of the Central Government or any State Government. In addition, the Commission envisages the association in appropriate cases of outsiders as Investigators or Observers.

Inquiry into Complaints

The Commission, while inquiring into complaints of violations of human rights, may call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it. If the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own; on the other hand, if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

Steps after Inquiry

The Commission may take any of the following steps upon the completion of an inquiry:

1. where the inquiry discloses the Commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons:

2. approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary; and

3. recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

4. subject to the provisions of (5) below, provide a copy of the inquiry report to the petitioner or his representative;

5. the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

6. the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

Procedure with Respect to Armed Forces

The term 'armed forces' for purposes of the Act means the naval, military and air forces and includes any other armed forces of the Union. The Act envisages the procedure with respect to armed forces which is at variance with the procedure set out for complaints of violations of human rights by any other public servant.

1. The Commission shall, notwithstanding other provisions of the Act, adopt the following procedure while dealing with complaints of violations of human rights by Members of the armed forces.

   a. it may, either on its own motion or on receipt of a petition, seek a report from the Central Government.

b. after the receipt of the report, it may either not proceed with the complaint or, as the case may be, make its recommendations to that Government.

2. The Central Government shall inform the Commission of the action taken on the recommendations within three months or such further time as the Commission may allow.

3. The Commission shall publish its report together with its recommendations made to the Central Government and the action taken by that Government on such recommendations.

4. The Commission shall provide a copy of the aforesaid report to the petitioner or his representative.

Responsibility of the Central Government/State Government/Authority to which report/recommendations have been sent

The Central Government/State Government/Authority has to indicate its comments/action taken on the report/recommendations of the Commission within a period of one month in respect of general complaints and within three months in respect of complaints relating to armed forces.

Annual and Special Reports of the Commission

The Commission is required to submit an Annual Report to the Central Government as well as the State Governments concerned. Besides, the Commission may at any time submit Special Reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the Annual Report.

It is enjoined on the Central Government as well as the concerned State Government to lay before each House of

Parliament or the State Legislatures respectively the Annual and Special Reports of the Commission along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

State Human Rights Commissions

There is an enabling provision in the Act for State Human Rights Commission to be constituted by the respective State Governments. The State Commission shall consist of :

a. a Chairperson who has been a Chief Justice of a High Court;

b. one Member who is, or has been, a Judge of a High Court;

c. one Member who is, or has been, a District Judge in that State;

d. two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

There shall be a Secretary who shall be the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions of the State Commission as it may delegate to him.

The headquarters of the State Commission shall be at such place as the State Government may, by notification, specify.

Constitution of the State Commission

The Chairperson and other Members of the Commission shall be appointed by the Government after obtaining the recommendations of a Committee consisting of

a. the Chief Minister — *Chairperson*

b. Speaker of the Legislative Assembly — *Member*

c. Minister-in-charge of the Department of Home in that State — *Member*

d. Leader of the Opposition in the Legislative Assembly — *Member*

Where there is a Legislative Council in a State, the Chairman of that Council and the Leader of the Opposition in that Council shall also be members of the Committee. No sitting Judge of a High Court or a sitting District Judge shall be appointed except after consultation with the Chief Justice of the High Court of the concerned State.

The Chairperson or any other Member of a State Commission can only be removed from his office by an order of the President in accordance with the procedure envisaged for the National Commission.

The term of office of the Chairperson or Member will be five years from the date of assumption of office or at the age of 70 years, whichever is earlier. A Member is however eligible for reappointment for another term of five years subject to the age limit of 70 years . On ceasing to hold office, the Chairperson or a Member are ineligible for appointment under the Government of the State or under the Government of India.

Officers and Staff of the State Commission

The concerned State Government shall make available to the State Commission an officer not below the rank of a Secretary to the State Government who shall be the Secretary of the State Commission and such police and investigative staff under an officer not below the rank of an Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State Commission. The State Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.

Functions of the State Commission

A State Commission may inquire into violations of human rights only in respect of matters relating to any of the entries enumerated in List II (State List) and List III (Concurrent List) in the Seventh Schedule of the Constitution. However, if any such matter is already being inquired into by the National Commission or any other Statutory Commission, the State Commission shall not inquire into the said matter. Subject to this, the powers, the procedure of investigation, inquiry and steps to be taken thereafter are comparable to those of the National Commission.

Annual or Special Reports of the Commission

The State Commission shall submit Annual Report to the respective State Governments and may, at any time, submit Special Reports on any matter which in their opinion is of urgency or importance. It is enjoined on the State Governments to cause to lay on the Table of the respective State Legislature the Annual and Special Reports of the State Human Rights Commission.

Human Rights Courts

The Act envisages that for the purpose of providing speedy trial of offences arising out of violations of human rights, State Governments may with the concurrence of the Chief Justice of the concerned High Court specify for each District Court of Sessions to be a Human Rights Court to try such offences. For every Human Rights Court, the State Government shall specify a public prosecutor or appoint an advocate of alteast seven years standing as a Special Public Prosecutor for the purpose of conducting cases in that Court.

Finance, Accounts and Audit

The Central Government and the concerned State Government shall , after due appropriation made in this behalf, pay to the National Commission and the concerned State Commission respectively by way of grants necessary funds for being utilised for purposes of the Act. The accounts of the Commission will have to be maintained in an appropriate form devised in consultation with the Comptroller and Auditor General of India and are subject to audit by the latter or any person appointed by him. The accounts of the Commission as certified by the Comptroller and Auditor General or his appointee together with the Audit Report shall be laid before each House of Parliament by the Central Government in the case of National Commission and before the appropriate State Legislature by the concerned State Government in respect of the State Commission.

Miscellaneous

The National Commission as well as the State Commission shall not inquire into any matter which is pending before a State Commission or National Commission as the case may be or any other statutory Commission.

If the Government considers it necessary, it may, notwithstanding anything contained in any other Law, constitute one or more special investigation teams consisting of the requisite police officers for purposes of investigation and prosecution of offences arising out of violations of human rights.

The Central Government as well as the State Government concerned may make rules to carry out the provisions of the Act. The Rules so made are required to be laid before each House of Parliament for a total period of 30 days as regards the National Human Rights Commission and appropriate State Legislature in respect of the State Commissions.

SECTION IV

Education in Human Rights

Education in Human Rights

All human rights documents give a pride of place to the right to education. They also stress the importance of education in promoting human rights. The General Assembly of the United Nations proclaimed 'this Universal Declaration of Human Rights to the end that every individual and every organ of society...shall strive by teaching and education to promote respect for these rights and freedoms....' Many Articles in the Convention on the Rights of the Child are concerned with various aspects of the right to education and the content of education including, among others, 'that the education of the child shall be directed to... the development of respect for human rights and freedoms....' A part of the Vienna Declaration, reproduced in Section II, is devoted to Human Rights Education.

UNESCO has played a leading role in promoting education in human rights. The text of a set of comprehensive recommendations dealing with various aspects of education in human rights and for promoting international understanding, cooperation and peace made by the General Conference of UNESCO in 1974 is reproduced below. Also reproduced is the ***World Plan of Action on Education for Human Rights and Democracy*** *adopted in March 1993 by the International Congress on Education for Human Rights and Democracy. The reports of various education commissions and statements of educational policy in India have articulated the importance of the right to education and education in human rights as a part of the effort for the reform and development of education in India. This section includes a few paras from India's National Policy on Education that have a bearing on human rights.*

1

UNESCO Recommendation

Reproduced below is the text of UNESCO's Recommendation concerning education for international understanding, cooperation and peace and education relating to human rights and fundamental freedoms.

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 17 October to 23 November 1974, at its eighteenth session,

Mindful of the responsibility incumbent on States to achieve through education the aims set forth in the Charter of the United Nations, the Constitution of Unesco, the Universal Declaration of Human Rights and the Geneva Convention for the Protection of Victims of War of 12 August 1949, in order to promote international understanding, cooperation and peace and respect for human rights and fundamental freedoms,

Reaffirming the responsibility which is incumbent on Unesco to encourage and support to Member States any activity designed to ensure the education of all for the advancement of justice, freedom, human rights and peace,

Noting nevertheless that the activity of Unesco and of its Member States sometimes has an impact only on a small minority of the steadily growing numbers of school children, students, young people and adults continuing their education, and educators, and that the curricula and methods of international education are not always attuned to the needs and aspirations of the participating young people and adults,

Noting moreover that in a number of cases there is still a wide disparity between proclaimed ideals, declared intentions and the actual situation,

Having decided, at its seventeenth session, that this education should be the subject of a recommendation to Members States,

Adopts this nineteenth day of November 1974, the present recommendation.

The General Conference recommends that Member States should apply the following provisions by taking whatever legislative or other steps may be required in conformity with the Constitutional practice of each State to give effect within their respective territories to the principles set forth in this recommendation.

The General Conference recommends that Member States bring this recommendation to the attention of the authorities, departments or bodies responsible for school education, higher education and out-of-school education,. of the various organizations carrying out educational work among young people and adults such as student and youth movements, association of pupils' parent, teachers' unions and other interested parties.

The General Conference recommends that Member States submit to it, by dates and in the from to be decided upon by the Conference, reports concerning the action taken by them in pursuance of this recommendation.

I. SIGNIFICANCE OF TERMS

1. For the purposes of this recommendation :

a. The word **education** implies the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. This process is not limited to any specific activities.

b. The terms **international understanding, cooperation** and **peace** are to be considered as an indivisible whole based on the principle of friendly relations between peoples and States having different social and political systems and on the respect for human rights and fundamental freedoms. In the text of this recommendation, the different connotations of these terms are sometimes gathered together in a concise expression, "**International education**".

c. Human rights and fundamental freedoms are those defined in the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights.

II. SCOPE

2. This recommendation applies to all stages and forms of education.

III. GUIDING PRINCIPLES

3. Education should be infused with the aims and purposes set forth in the Charter of the United Nations,

the Constitution of Unesco and the Universal Declaration of Human Rights, particularly Article 26, paragraph 2, of the last-named, which states; "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace".

4. In order to enable every person to contribute actively to the fulfilment of the aims referred to in paragraph 3, and promote international solidarity and cooperation, which are necessary in solving the world problems affecting the individuals' and communities' life and exercise of fundamental rights and freedoms, the following objectives should be regarded as major guiding principles of educational policy.

   a. an international dimension and a global perspective in education at all levels and in all its forms;

   b. understanding and respect for all peoples, their cultures, civilizations, values and ways of life, including domestic ethnic cultures and cultures of other nations;

   c. awareness of the increasing global interdependence between peoples and nations ;

   d. abilities to communicate with others;

   e. awareness not only of the rights but also of the duties incumbent upon individuals, social groups and nations towards each other;

   f. understanding of the necessity for international solidarity and cooperation;

g. readiness on the part of the individual to participate in solving the problems of his community, his country and the world at large.

5. Combining learning, training, information and action, international education should further the appropriate intellectual and emotional development of the individual. It should develop a sense of social responsibility and of solidarity with less privileged groups and should lead to observance of the principles of equality in everyday conduct. It should also help to develop qualities, aptitudes and abilities which enable the individual to acquire a critical understanding of problems at the national and the international level; to understand and explain facts, opinions and ideas; to work in a group; to accept and participate in free discussions; to observe the elementary rules of procedure applicable to any discussion; and to base value-judgements and decisions on a rational analysis of relevant facts and factors.

6. Education should stress the inadmissibility of recourse to war for purposes of expansion, aggression and domination, or to the use of force and violence for purposes of repression, and should bring every person to understand and assume his or her responsibilities for the maintenance of peace. It should contribute to international understanding and strengthening of world peace and to the activities in the struggle against colonialism and neocolonialism in all their forms and manifestations, and against all forms and varieties of racialism, fascism, and apartheid as well as other ideologies which breed national and racial hatred and which are contrary to the purposes of this recommendation.

IV. NATIONAL POLICY, PLANNING AND ADMINISTRATION

7. Each Member State should formulate and apply national

policies aimed at increasing the efficacy of education in all its forms and strengthening its contribution to international understanding and cooperation, to the maintenance and development of a just peace, to the establishment of social justice, to respect for and application of human rights and fundamental freedoms, and to the eradication of the prejudices, misconceptions, inequalities and all forms of injustice which hinder the achievement of these aims.

8. Member States should in collaboration with the National Commissions take steps to ensure cooperation between ministries and departments and coordination of their efforts to plan and carry out concerted programmes of action in international education.

9. Member States should provide, consistent with their constitutional provisions, the financial, administrative, material and moral support necessary to implement this recommendation.

V. PARTICULAR ASPECTS OF LEARNING, TRAINING AND ACTION

Ethical and Civic Aspects

10. Member States should take appropriate steps to strengthen and develop in the processes of learning and training, attitudes and behaviour based on recognition of the equality and necessary interdependence of nations and peoples.

11. Member States should take steps to ensure that the principles of the Universal Declaration of Human Rights and of the International Convention on the Elimination of all forms of Racial Discrimination become an integral part of the developing personality of each child, adolescent, young person or adult by

applying these principles in the daily conduct of education at each level and in all its forms, thus enabling each individual to contribute personally to the regeneration and extension of education in the direction indicated.

12. Member States should urge educators, in collaboration with pupils, parents, the organizations concerned and the community to use methods which appeal to the creative imagination of children and adolescents and to their social activities and thereby to prepare them to exercise their rights and freedoms while recognizing and respecting the rights of others and to perform their social duties.

13. Member States should promote, at every stage of education, an active civic training which will enable every person to gain a knowledge of the method of operation and the work of public institutions, whether local, national or international, to become acquainted with the procedures for solving fundamental problems, and to participate in the cultural life of the community and in public affairs. Wherever possible, this participation should increasingly link education and action to solve problems at the local, national and international levels.

14. Education should include critical analysis of the historical and contemporary factors of an economic and political nature underlying the contradictions and tensions between countries, together with study of ways of overcoming these contradictions, which are the real impediments to understanding, true international cooperation and the development of world peace.

15. Education should emphasise the true interests of peoples and their incompatibility with the interest of

monopolistic groups holding economic and political power, which practise exploitation and foment war.

16. Student participation in the organization of studies and of the educational establishment they are attending should itself be considered a factor in civic education and an important element in international education.

Cultural Aspects

17. Member States should promote, at various stages and in various types of education, study of different cultures, their reciprocal influences, their perspectives and ways of life, in order to encourage mutual appreciation of the differences between them. Such study should, among other things, give due importance to the teaching of foreign languages, civilizations and cultural heritage as a means of promoting international and inter-cultural understanding.

Study of the Major Problems of Mankind

18. Education should be directed both towards the eradication of conditions which perpetuate and aggravate major problems affecting human survival and well-being — inequality, injustice, international relations based on the use of force — and towards measures of international cooperation likely to help solve them. Education which in this respect must necessarily be of an interdisciplinary nature should relate to such problems as :

a. equality of rights of peoples, and the right of peoples to self-determination;

b. the maintenance of peace, different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace;

c. action to ensure the exercise and observance of human rights, including those of refugees; racialism and its eradication; the fight against discrimination in its various forms;

d. economic growth and social development and their relation to social justice, colonialism and decolonization; ways and means of assisting developing countries; the struggle against illiteracy; the campaign against diseases and famine; the fight for a better quality of life and the highest attainable standard of health; population growth and related questions;

e. the use, management and conservation of natural resources, pollution of the environment;

f. preservation of the cultural heritage of mankind;

g. the role and method of action of the United Nations system in efforts to solve such problems and possibilities for strengthening and furthering its action.

19. Steps should be taken to develop the study of those sciences and disciplines which are directly related to the exercise of the increasingly varied duties and responsibilities involved in international relations.

Other Aspects

20. Member States should encourage educational

authorities and educators to give education planned in accordance with this recommendation an interdisciplinary, problem-oriented content adapted to the complexity of the issues involved in the application of human rights and in international cooperation, and in itself illustrating the ideas of reciprocal influence, mutual support and solidarity Such programmes should be based on adequate research, experimentation and the identification of specific educational objectives.

21.Member States should endeavour to ensure that international educational activity is granted special attention and resources when it is carried out in situations involving particularly delicate or explosive social problems in relations, for example where there are obvious inequalities in opportunities for access to education.

VI. ACTION IN VARIOUS SECTORS OF EDUCATION

22.Increased efforts should be made to develop and infuse an international and inter-cultural dimension at all stages and in all forms of education.

23.Member States should take advantage of the experience of the Associated Schools which carry out, with Unesco's help, programmes of international education. Those concerned with Associated Schools in Member States should strengthen and review their efforts to extend the programme to other educational institutions and work towards the general application of its results. In other Members States, similar action should be undertaken as soon as possible. The experience of other educational institutions which have carried out successful programmes of international education should also be studied and disseminated.

24.As pre-school education develops, Member States should encourage in it activities which correspond to the purposes of the recommendation because fundamental attitudes, such as, for example, attitudes on race, are often formed in the pre-school years. In this respect, the attitude of parents should be deemed to be an essential factor for the education of children, and the adult education referred to in paragraph 30 should pay special attention to the preparation of parents for their role in pre-school education. The first school should be designed and organized as a social environment having its own character and value, in which various situations, including games, will enable children to become aware of their rights, to assert themselves freely while accepting their responsibilities, and to improve and extend through direct experience their sense of belonging to larger and larger communities — the family, the school, then the local, national and world communities.

25. Member States should urge the authorities concerned, as well as teachers and students, to re-examine periodically how post-secondary and university education should be improved so that it may contribute more fully to the attainment of the objectives of this recommendation.

26. Higher education should comprise civic training and learning activities for all students that will sharpen their knowledge of the major problems which they should help to solve, provide them with possibilities for direct and continuous action aimed at the solution of those problems, and improve their sense of international cooperation.

27. As post-secondary educational establishments, particularly universities serve growing numbers of people, they should carry out programmes of international education as part of their broadened

function in life-long education and should in all teaching adopt a global approach. Using all means of communication available to them, they should provide opportunities, facilities for learning and activities adapted to people's real interests, problems and aspirations.

28. In order to develop the study and practice of international cooperation, post-secondary educational establishments should systematically take advantage of the forms of international action inherent in their role, such as visits from foreign professors and students and professional cooperation between professors and research teams in different countries. In particular, studies and experimental work should be carried out on the linguistic, social, emotional and cultural obstacles, tensions, attitudes and action which affect both foreign students and host establishments.

29. Every stage of specialized vocational training should include training to enable students to understand their role and the role of their professions in developing their society, furthering international cooperation, maintaining and developing peace, and to assume their role actively as early as possible.

30. Whatever the aims and forms of out-of-school education, including adult education, they should be based on the following considerations :

a. as far as possible a global approach should be applied in all out-of-school education programmes, which should comprise the appropriate moral, civic, cultural, scientific and technical elements of international education;

b. all the parties concerned should combine efforts to adapt and use the mass media of communication, self-education, and inter-active learning, and such institutions as museums and public libraries to convey relevant knowledge to the individual, to foster in him or her favourable attitudes and a willingness to take positive action, and to spread knowledge and understanding of the educational campaigns and programmes planned in accordance with the objectives of this recommendation;

c. the parties concerned, whether public or private, should endeavour to take advantage of favourable situations and opportunities, such as the social and cultural activities of youth centres and clubs, cultural centres, community centres or trade unions, youth gatherings and festivals, sporting events, contacts with foreign visitors, students or immigrants and exchanges of persons in general.

31. Steps should be taken to assist the establishment and development of such organizations as student and teacher associations for the United Nations, international relations Clubs and Unesco Clubs, which should be associated with the preparation and implementation of coordinated programmes of international education.

32. Member States should endeavour to ensure that, at each stage of school and out-of-school education, activities directed towards the objectives of this recommendation be coordinated and form a coherent whole within the curricula for the different levels and types of education, learning and training. The principles of cooperation and association which are inherent in this recommendation should be applied in all educational activities.

VII. TEACHER PREPARATION

33. Member States should constantly improve the ways and

and means of preparing and certifying teachers and other educational personnel for their role in pursuing the objectives of this recommendation and should, to this end :

a. provide teachers with motivations for their subsequent work; commitment to the ethics of human rights and to the aim of changing society, so that human rights are applied in practice; a grasp of the fundamental unity of mankind; ability to instill appreciation of the riches which the diversity of cultures can bestow on every individual, group or nation;

b. provide basic interdisciplinary knowledge of world problems and the problems of international cooperation, through, among other means, work to solve these problems;

c. prepare teachers themselves to take an active part in devising programmes of international education and educational equipment and materials, taking into account the aspirations of pupils and working in close collaboration with them;

d. comprise experiments in the use of active methods of education and training in at least elementary techniques of evaluation, particularly those applicable to the social behaviour and attitudes of children, adolescents and adults;

e. develop aptitudes and skills such as a desire and ability to make educational innovations and to continue his or her training; experience in team work and in interdisciplinary studies; knowledge of group dynamics; and the ability to create favourable opportunities and take advantage of them;

f. include the study of experiments in international education, especially innovative experiments carried out in other countries, and provide those concerned to the fullest possible extent, with opportunities for making direct contact with foreign teachers.

34. Member States should provide those concerned with direction, supervision or guidance — for instance inspectors, educational advisers, principals of teacher training colleges and organizers of educational activities for young people and adults — with training, information and advice enabling them to help teachers work towards the objectives of this recommendation, taking into account the aspirations of young people with regard to international problems and new educational methods that are likely to improve prospects for fulfilling these aspirations. For these purposes, seminars or refresher courses relating to international and intercultural education should be organized to bring together authorities and teachers; other seminars or courses might permit supervisory personnel and teachers to meet with other groups concerned such as parents, students, and teachers' associations. Since there must be a gradual but profound change in the role of education, the results of experiments for the remodelling of structures and hierarchical relations in educational establishments should be reflected in training, information and advice.

35. Member States should endeavour to ensure that any programme of further training for teachers in service or for personnel responsible for direction includes components of international education and opportunities to compare the results of their experiences in international education.

36. Member States should encourage and facilitate educational study and refresher courses abroad, particularly by awarding fellowships, and should

encourage recognition of such courses as part of the regular process of initial training, appointment, refresher training and promotion of teachers.

37. Member States should organize or assist bilateral exchanges of teachers at all levels of education.

VIII. EDUCATIONAL EQUIPMENT AND MATERIALS

38. Member States should increase their efforts to facilitate the renewal, production, dissemination and exchange of equipment and materials for international education, giving special consideration to the fact that in many countries pupils and students receive most of their knowledge about international affairs through the mass media outside the schools. To meet the needs expressed by those concerned with international education, efforts should be concentrated on overcoming the lack of teaching aids and on improving their quality. Action should be on the following lines :

a. appropriate and constructive use should be made of the entire range of equipment and aids available, from textbooks to television, and of the new. educational technology;

b. there should be a component of special mass media education in teaching to help the pupils to select and analyse the information conveyed by mass media;

c. a global approach, comprising the introduction of international components, serving as a framework for presenting local and national aspects of different subjects and illustrating the scientific and cultural history of mankind, should be employed in textbooks and all other aids to learning, with due regard to the value of the visual arts and music as factors conducive to understanding between different cultures;

d. written and audio-visual materials of an interdisciplinary nature illustrating the major problems confronting mankind and showing in each case the need for international cooperation and its practical form should be prepared in the language or languages of instruction of the country with the aid of information supplied by the United Nations, Unesco and other Specialized Agencies;

e. documents and other materials illustrating the culture and the way of life of each country, the chief problems with which it is faced, and its participation in activities of world-wide concern should be prepared and communicated to other countries.

39. Member States should promote appropriate measures to ensure that educational aids, especially textbooks, are free from elements liable to give rise to misunderstanding, mistrust, racialist reactions, contempt or hatred with regard to other groups or peoples. Materials should provide a broad background of knowledge which will help leaners to evaluate information and ideas disseminated through the mass media that seem to run counter to the aims of this recommendation.

40. According to the needs and possibilities, each Member State should establish or help to establish one or more documentation centres offering written and audio-visual material devised according to the objectives of this recommendation and adapted to the different forms and stages of education. These centres should be designed to foster the reform of international education, especially by developing and disseminating innovative ideas and

materials, and should also organize and facilitate exchanges of information with other countries.

IX. RESEARCH AND EXPERIMENTATION

41. Member States should stimulate and support research on the foundations, guiding principles, means of implementation and effects of international education and on innovations and experimental activities in this field, such as those taking place in the Associated Schools. This action calls of collaboration by universities, research bodies and centres, teacher-training institutions, adult education training centres and appropriate non-governmental organizations.

42. Member States should take appropriate steps to ensure that teachers and the various authorities concerned build international education on a sound psychological and sociological basis by applying the results of research carried out in each country on the formation and development of favourable or unfavourable attitudes and behaviour, on attitude change, on the interaction of personality development and education and on the positive or negative effects of educational activity. A substantial part of this research should be devoted to the aspirations of young people concerning international problems and relations.

X. INTERNATIONAL COOPERATION

43. Member States should consider international cooperation a responsibility in developing international education. In the implementation of this recommendation they should refrain from intervening in matters which are essentially within the domestic jurisdiction of any State in accordance with the United Nations Charter. By their own actions, they should demonstrate that implementing this recommendation

is itself an exercise in international understanding and cooperation. They should, for example, organize, or help the appropriate authorities and non-governmental organizations to organise, an increasing number of international meetings and study sessions on international education; strengthen their programmes for the reception of foreign students, research workers, teachers and educators belonging to workers' associations and adult education associations; promote reciprocal visits by school children, and student and teacher exchanges; extend and intensify exchanges of information on cultures and ways of life; arrange for the translation or adaptation and dissemination of information and suggestions coming from other countries.

44. Member States should encourage the cooperation between their Associated Schools and those of other countries with the help of Unesco in order to promote mutual benefits by expanding their experiences in a wider international perspective.

45. Member States should encourage wider exchanges of textbooks, especially history and geography textbooks, and should, where appropriate, take measures, by concluding, if possible bilateral and multilateral agreements, for the reciprocal study and revision of textbooks and other educational materials in order to ensure that they are accurate, balanced, up-to-date and unprejudiced and will enhance mutual knowledge and understanding between different peoples.

2

World Plan of Action on Education for Human Rights and Democracy

The International Congress on Education for Human Rights and Democracy was called in Montreal (Canada) from 8 to 11 March 1993 by UNESCO and the United Nations Centre for Human Rights, in collaboration with the Canadian Commission for UNESCO. The Congress adopted the following ***World Plan of Action.***

1. It reaffirms the responsibility incumbent on all peoples, states, individuals and every organ of society to achieve, through education and teaching, respect for human rights and fundamental freedoms as set forth in the Charter of the United Nations, the Constitution of UNESCO, the Universal Declaration of Human Rights as well as the universal international human rights and humanitarian law instruments.

2. It states that:

— democratic values are required for the enjoyment of human rights and fundamental freedoms and hence education for human rights and democracy should receive special attention;

— education for human rights and democracy is itself a human right and is a pre-requisite to the full realization of social justice, peace and development. The exercise of such a right would contribute to safeguarding democracy and to development in its comprehensive meaning;

— education for human rights and democracy would lay a solid basis for guaranteeing human rights and preventing their violations;

— the educational process should be itself a democratic and participatory process that empowers people and the civil society to improve the quality of life.

3. In spite of major progress achieved in the field of education and that of human rights, serious efforts still need to be made to overcome obstacles and prevent shortcomings and to meet new challenges. Therefore, the Congress emphasizes the responsibility of the international community, the United Nations and its Specialized Agencies, in particular UNESCO, to initiate and support educational programmes and activities relevant to human rights and democracy.

THUS, the Montreal International Congress on Education for Human Rights and Democracy:

Adopts the attached World Plan of Action on Education for Human Rights and Democracy,

Recommends to the Director-General of UNESCO to bring the World Plan of Action on Education for Human Rights and Democracy to the attention of the World Conference on Human Rights (Vienna, Austria, June 1993),

Urges the Director-General of UNESCO to invite all States to guarantee full protection of individuals and organizations working in the field of human rights education.

Introduction

Who?

The World Plan of Action is addressed, among others, to :

individuals, families, groups and communities, educators, teaching institutions and their boards, students, young people, the media, employers and unions, popular movements, political parties, parliamentarians, public officials, national and international non-governmental organizations, all multilateral and intergovernmental organizations, the United Nations Organization, in particular its Centre for Human Rights, specialized institutions of the United Nations system, in particular UNESCO, and States.

The advocates of this Plan come from all sectors of society. It is addressed to victims of human rights violations and defenders of human rights and democracy as well as decision-makers.

The Plan is not a comprehensive strategy for formal and informal education. It is more a framework of action which will be tailored and executed by various participants. These participants are better qualified to adjust the implementation of the Plan in accordance with their priorities, resources and particular circumstances. The Plan will therefore depend on all actors including grassroots education workers in villages, refugee camps, barrios, inner cities and war zones throughout the world.

The Plan conceives of education in its broadest sense, among all age, gender, class, ethnic, national, religious and linguistic groups and in all sectors of society. It takes a global view of education, through strategies for learning in formal and non-formal settings and including popular and adult education, education in the family, out-of-school education of youth, education of specialized groups and education in difficult situations.

What?

The Plan of Action calls for a global mobilization of energies and resources, from the family to the United Nations, to educate individuals and groups about human rights so that conduct leading to a denial of rights will be changed, all rights will be respected and civil society will be transformed into a peaceful and participatory model. Learning is not an end in itself but rather the means of eliminating violations of human rights and building a culture of peace based on democracy, development, tolerance and mutual respect.

The Plan is based on the body of international human rights and humanitarian law. Human rights are seen in this Plan as universal and indivisible.

As a forward-looking strategy this Plan builds on, *inter alia*, the 1974 "Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms" and the recommendations which emerged from the UNESCO International Congress on the Teaching of Human Rights, in Vienna in 1978, the UNESCO International Congress on Human Rights Teaching,, Information and Documentation in Malta in 1987 and the International Forum on Education for Democracy, in Tunis in December 1992.

The Plan conceives of human rights in their broadest sense to include, *inter alia*, learning about tolerance and acceptance of others, solidarity, participatory citizenship and the importance of building mutual respect and understanding.

Why?

The context of the Plan of Action must be seen as one of alarm and urgency. Certainly, the Cold War has come to a close, walls have come down and some dictators have been deposed. Yet the last decade of the Twentieth century is experiencing the recurrence of the most serious human rights violations, caused by the rise of nationalism, racism, xenophobia, sexism and religious intolerance. These recurrences have led to the most abhorrent forms of ethnic cleansing including the systematic rape of women, exploitation, neglect and abuse of children and concerted violence against foreigners, refugees, displaced persons, minorities, indigenous peoples and other vulnerable groups.

Notwithstanding the dissolution of authoritarian regimes and the formation of emerging democracies worldwide over the last years, new forms of autocracy have also emerged. An alarming rise of racism, various forms of extremism and religious fanaticism and the dangerous instability of some post-authoritarian states are noted. No less disturbing for the protection of human rights are the threats stemming from environmental degradation, from new biomedical technologies and from the scourge of HIV/AIDS.

Education for human rights in a changing world is the thrust of this Plan of Action. It should be participatory and operational, creative, innovative and empowering at all levels of civil society. The rise of nationalism and intolerance mentioned above calls for special and anticipatory educational strategies aimed at preventing the outbreak of violent conflicts and the related human rights violations. Incremental changes can no longer be considered satisfactory. Education should aim to nurture democratic values, sustain impulses for democratization and promote societal transformation based upon human rights and democracy.

The Plan of Action takes into consideration the development of human rights norms and the establishment of mechanisms for the promotion and protection of human rights at national, regional and international levels.

A key challenge for the future is to enhance the universality of human rights by rooting these rights in different cultural traditions. The effective exercise of human rights is also contingent upon the degree of responsibility by individuals towards the community.

When?

The World Plan of Action is intended to start immediately, working toward specific measurable objectives within a time-table laid down by the participants in the Plan. The observation of the Fiftieth anniversary of the United Nations Organization in 1995 and of the Universal Declaration of Human Rights in 1998 can serve as the focus for activities, programmes and projects in human rights education and occasions for their assessment and dissemination. A series of events for sharing experiences and assessing results should be organized from the local community level up to and including the global level. Such sharing and assessment should be subject to a general overall review by the end of the decade for planning on-going activities and programmes in the Twenty-first century.

How?

In order for this Plan to succeed, the active participation of individual states is essential, wherever possible. The state should commit itself to defined targets for human rights education and awareness within governmental structures and institutions. The state should provide funding for initiatives which are generated nationally. The commitment of states to human rights education indicates the political will to build a sustainable democratic society. The quality of human rights education is in itself a manifestation of such a will now and for the future. The initiatives of states in this field provide a basis for assessment. In this context, it is important for states to accede to all human rights instruments.

The United Nations system, in particular UNESCO and the United Nations Centre for Human Rights, and a number of governmental and international governmental and non-governmental organizations have already begun to work in the area of education for human rights and democracy. This work should be considered an important part for the implementation of the Plan, both as a point of departure and also a source of ideas, materials, experience and insight and it should be intensified. In particular, more emphasis should be given to projects for education for human rights and democracy under the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights. In this context the Plan could provide a frame for improved coordination of programmes of human rights education and democracy.

The following seven major strategies are proposed :

1. Development and distribution by UNESCO of a **standard form for planning, implementation and assessment** of the Plan. This will assist governmental and non-governmental organizations in the projection, coordination and review of various programmes, projects and activities to achieve the objectives of the World Plan of Action. UNESCO would keep a register of all initiatives undertaken in this framework communicated by the participants;

2. Development of active **national, regional and international networks** to produce material, curricula and programmes as well as to exchange methods and materials and develop "best practice" approaches;

3. Access to **up-to-date information and documentation** and the availability of practical and inexpensive teaching materials;

4. Convening of regional and global momentum- building conferences;

5. Strengthening of the **United Nations Voluntary Fund**

for Advisory Services and Technical Assistance in the Field of Human Rights and of the **UNESCO Voluntary Fund for the Development of the Knowledge of Human Rights through Education and Information** so that they can better support human rights education, information and documentation projects on a world-wide basis, including those of non-governmental organizations, as well as encouraging funding of such projects by other **public and private funding institutions and sources;**

6. Emphasis to be given to the **right to education and in particular human rights education** by the United Nations Commission on Human Rights and its monitoring mechanisms, the regional human rights commissions, as well as by the expert organs supervising the international human rights treaties and in particular the Committee on the Rights of the Child;

7. **A follow-up committee** to be established by UNESCO, in consultation with the United Nations Centre for Human Rights, will disseminate the Plan, receive relevant communications and follow-up and monitor the implementation of the Plan..

The Plan emphasizes that learning is intended to encompass the concepts that knowledge must lead to action, that access to knowledge should be empowering, that learning is a participatory process and that the learner is also the teacher and vice versa. The methodology of education for human rights and democracy should be respectful of the rights of the learner and democratic in its organization and functioning.

This Plan calls for methods which will reach the widest number of individuals most effectively, such as the use of the mass media, the training of trainers, the mobilization of popular movements and the possibility of establishing a world-wide television and radio network under the auspices of the United Nations.

Objectives

The Plan strives to :

1. make information available about human rights norms and instruments as well as recourse procedures and mechanisms against violations at the national, regional and international levels. Special efforts should be made to ensure that this information reaches young people;
2. assist learners to understand the connections between economic conditions and access to rights and encourage educators to support strategies for change that are non-violent and democratic;
3. increase the awareness of educators in all sectors and at all levels of the benefits of cooperation and coordination through networking and to assist them in building human rights education networks;
4. encourage governments and the international community to provide and foster a culture of peace based on human rights;
5. to make human rights and the national, regional and international instruments that guarantee such rights more widely known.

Main Lines of Action

The ultimate purpose of the Plan is to create a culture of human rights and to develop democratic societies that enable individuals and groups to solve their disagreements and conflicts by the use of non-violent methods.

The challenge of making education for human rights and democracy effective and comprehensive world-wide will require:

1. The identification of the most appropriate target groups so as to ensure rapid and effective implementation;
2. A focus on educational support where it is most needed and most empowering and ensuring that projects are suitable for potential users;
3. The encouragement and development of initiatives which mobilize people and which utilize innovative methodology;
4. The process of human rights education and training with the participation of target groups, must be viewed as an exercise in democracy. This can be done by practising the principle of equality and by developing participatory and inclusive learning contexts and curricula in response to the real needs of people. Educational processes and methodologies must be models for what the Plan wishes to achieve in society as a whole. It is also imperative that learning programmes include approaches which assist people to understand and analyse their relations with power as well as with leadership styles and abuses;
5. The development of pedagogic research into the various aspects of education for human rights and democracy, taking account especially of present changes;
6. The systematic revision of school textbooks with a view to eliminating xenophobic, racist, sexist and other stereotypes;
7. The building of practical relationships or networks among individuals, educators, groups and institutions

in particular through meetings and bilateral and multilateral collaboration;

8. The strengthening of the commitment to identify and increase resources for education for human rights and democracy at national, regional and international levels. It is essential that the action of NGOs is not impeded;

9. Special attention should be given to the design of cost-effective and sustainable educational programmes;

10. A global commitment to increase resources for education for human rights and democracy as well as earmarking funds in development projects for this purpose.

LEVELS OF ACTION

THE FOLLOWING LEVELS OF ACTION SHOULD BE EMPHASIZED :

Teaching Human Rights and Democracy in the Curricula at All Levels of the School System

Aim: To build an integral and broad—based curriculum that is both pervasive across subject disciplines and taught as a separate subject so that human rights and democracy education is dealt with repeatedly throughout a person's basic education. The theme of rights, responsibilities and democratic processes should also be woven into all or most topics of study and included in the values aimed at in school life and in the processes of socialization.

The focus should be on :

(i) Pre-primary

(ii) Primary

(iii) Secondary and vocational training

(iv) Post-secondary—colleges and universities

(v) Teacher training/education

(vi) Teachers' organizations and unions

(vii) School boards and other levels of education administration

(viii) Parents' organizations.

Education for Human Rights and Democracy in a Non-formal Setting

Aims : To involve groups of adults and young people, including those not attending school, in out-of-school education, through their families, their professional associations, work places, institutions, groupings, etc. Programmes will aim at increasing the awareness of individuals in both formal and informal groups to their rights and to their responsibilities and to their full participations throughout society. Special attention will be given to reach all women whatever their current level of participation in public life.

To achieve this aim, education for human rights and democracy will take place in specific settings and focus on certain groups including :

(i) work place (unions, employers)

(ii) professional associations

(iii) religious and cultural organizations

(iv) youth, including through leisure and sports clubs

(v) UNESCO Clubs, Centres and Associations

(vi) groups which are less exposed to public life(for example, people living in rural or remote areas)

(vii) groups working specifically on literacy, advocacy and assisting those living in extreme poverty

(viii) security, army, police and prison personnel, etc.

(ix) public officials and decision-makers

(x) judges and lawyers and others working in the administration of justice

(xi) media personnel

(xii) medical doctors, health professionals and scientists including those engaged in biological research.

Education for Human Rights and Democracy in Specific Contexts and Difficult Situations

Aim : To direct efforts to provide appropriate information and education to people in difficult situations where their rights are endangered.

In addition to the proposed Objectives (1) and (2) above, attention should be paid to vulnerable groups as well as to potential and actual violators with a view to preventing abuse and to protecting the victims. The level of intervention for this education and protection will depend on :

A. The type of situation, such as:

1. Armed conflicts of either an international or non-international character

2. Internal tension, unrest, uprisings and state of emergency
3. Periods of transition from dictatorship to democracy or of threats to democracy
4. Foreign occupation
5. Natural disasters.

B. The needs of specific groups, such as:

1. Women
2. Children
3. Indigenous peoples
4. Refugees and internally displaced persons
5. Political prisoners
6. Minorities
7. Migrant workers
8. Disabled persons
9. Persons with HIV/AIDS.

It is to be noted that the early adoption of the United Nations Draft declaration relating to the rights and responsibilities of individuals and organs of society to promote and protect human rights would be a major contribution to the implementation of this aspect of the Plan.

Research, Information and Documentation

Given the essential role of research, information and documentation for the implementation of the Plan of Action and the United Nations Public Information Campaign for Human Rights, a major effort should be directed towards diversifying information resources, documentation and teaching and learning materials directed to meet the practical needs of teaching and training at different levels and for different audiences. It is equally important to strengthen existing national, regional and international information networks, to help build new ones where necessary and also to encourage the creation of local information and documentation centres so that suitable materials are collected and skills developed in gathering information and documentation through :

(i) inexpensive and easy access to up-to-date information,

(ii) simple computerization and search systems,

(iii) identification, creation and strengthening of national, regional and international research centres and clearing houses on human rights information,

(iv) encouragement to share information — south/south, east/west and north/south — serving both educators and documentalists of human rights and coordinated by a non-governmental organization active in the field of information,

(v) protection and security of information gathered by fact-finding missions, human rights education projects, etc.;

(vi) development of human rights media other than printed material that would include audio-visuals, transparencies, music, games, toys and other forms appropriate for reaching non-literate people and children. Means would have to be found to ensure the availability of such material in local languages;

(vii) support for research based on a global view of human rights, taking into account the close interdependence between human rights, development, democracy and environment.

The role of UNESCO is of particular importance in enhancing the quality of publications in the area of human rights education and for the best use and distribution of information, documentation and materials. Such activities would require *inter alia* the strengthening of the infrastructure of UNESCO and close cooperation with other documentation and information centres, including those of the United Nations system.

Obstacles to Overcome

It is to be noted, in particular, that the success of the Plan depends on the understanding that planning at all levels must be appropriate when confronting problems such as :

(i) the absence of political will of certain partners,

(ii) the dangers of marginalization of the process internationally as well as intranationally,

(iii) the absence of target group involvement in the development and use of material, processes and policies,

(iv) the potential use of unsuitable methodologies,

(v) the lack of training of many participants,

(vi) the insufficiency of coordination and cooperation between the national, regional and international levels,

(vii) the occasional tendency to confine human rights education to the legal profession,

(viii) the lack of a multidisciplinary approach,

(ix) the resistance to change provoked by new relationships based on human rights.

Conclusion

The challenge the World Plan of Action for Education on Human Rights and Democracy will have to meet is that of translating human rights, democracy and concepts of peace, of sustainable development and of international solidarity into social norms and behaviour. This is a challenge for humanity: to build a peaceful, democratic, prosperous and just world. Constant active education and learning is needed to meet such a challenge.

It is hoped that this Plan of Action will be implemented by committed nations, individuals, groups, every organ of society, and the international community at large, to ensure its full success for the benefit of present and future generations.

3

National Policy on Education and Human Rights

Reproduced below are some Paras from the National Policy on Education which was adopted by India's Parliament in 1986. Some of these paras lay emphasis on the removal of disparities and equalization of educational opportunity while the emphasis in the others is on certain aspects of the content and process that have a bearing on education in Human Rights.

NATIONAL SYSTEM OF EDUCATION

3.1 The Constitution embodies the principles on which the National system of Education is conceived of.

3.2 The concept of a National system of Education implies that, up to a given level, all students, irrespective of caste, creed, location or sex, have access to education of a comparable quality. To achieve this, the Government will initiate appropriately funded programmes. Effective measures will be taken in the direction of the Common School System recommended in the 1968 Policy.

3.3 The National System of Education envisages a common educational structure. The 10+2+3 structure has now been accepted in all parts of the country. Regarding the further break-up of the first 10 years efforts will be made to move towards an elementary system comprising 5 years of primary education and 3 years of upper primary, followed by 2 years of High School. Efforts will also be made to have the +2 stage accepted as a part of school education throughout the country.

3.4 The National System of Education will be based on a national curricular framework which contains a common core along with other components that are flexible. The common core will include the history of India's freedom movement, the constitutional obligations and other content essential to nurture national identity. These elements will cut across subject areas and will be designed to promote values such as India's common cultural heritage, egalitarianism, democracy and secularism, equality of the sexes, protection of the environment, removal of social barriers, observance of the small family norm and inculcation of the scientific temper. All educational programmes will be carried on in strict conformity with secular values.

3.5 India has always worked for peace and understanding between nations, treating the whole world as one family. True to this hoary tradition, education has to strengthen this world view and motivate the younger generations for international cooperation and peaceful co-existence. This aspect cannot be neglected.

3.6 To promote equality, it will be necessary to provide for equal opportunity to all not only in access, but also in the conditions for success. Besides, awareness of the inherent equality of all will be created through the core curriculum. The purpose is to remove prejudices and complexes transmitted through the social environment and the accident of birth.

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EDUCATION FOR EQUALITY

DISPARITIES

4.1 The new policy will lay special emphasis on the removal of disparities and to equalise educational opportunity by attending to the specific needs of those who have been denied equality so far.

EDUCATION FOR WOMEN'S EQUALITY

4.2 Education will be used as an agent of basic change in the status of women. In order to neutralise the accumulated distortions of the past, there will be a well-conceived edge in favour of women. The National Education System will play a positive, interventionist role in the empowerment of women. It will foster the development of new values through redesigned curricula, textbooks, the training and orientation of teachers, decision-makers and administrators, and the active involvement of educational institutions. This will be an act of faith and social engineering. Women's studies will be promoted as a part of various courses and educational institutions encouraged to take up active programmes to further women's development.

4.3 The removal of women's illiteracy and obstacles inhibiting their access to, and retention in, elementary education will receive overriding priority, through provision of special support services, setting of time targets, and effective monitoring. Major emphasis will be laid on women's participation in vocational, technical and professional education at different levels. The policy of non-discrimination will be pursued vigorously to eliminate sex stereo-typing in vocational and professional courses and to promote women's participation in non-traditional occupations, as well as in existing and emergent technologies.

THE EDUCATION OF SCHEDULED CASTES

4.4 The central focus in the SCs' educational development is their equalisation with the non-SC population at all stages and levels of education, in all areas and in all the four dimensions — rural male, rural female, urban male and urban female.

4.5. The measures contemplated for this purpose include:

(i) Incentives to indigent families to send their children to school regularly till they reach the age of 14;

(ii) Pre-matric scholarship scheme for children of families engaged in occupations such as scavenging, flaying and tanning to be made applicable from Class I onwards. All children of such families, regardless of incomes, will be covered by this scheme and time-bound programmes targeted on them will be undertaken;

(iii) Constant micro-planning and verification to ensure that the enrolment, retention and successful completion of courses by SC students do not fall at any stage, and provision of remedial courses to improve their prospects for further education and employment;

(iv) Recruitment of teachers from Scheduled Castes;

(v) Provision of facilities for SC students in students' hostels at district headquarters, according to a phased programme;

(vi) Location of school buildings, Balwadis and Adult Education Centres in such a way as to facilitate full participation of the Scheduled Castes;

(vii) The utilisation of Jawahar Rozgar Yojana resources so as to make substantial educational facilities available to the Scheduled Castes; and

(viii) Constant innovation in finding new methods to increase the participation of the Scheduled Castes in the educational process.

THE EDUCATION OF SCHEDULED TRIBES

4.6 The following measures will be taken urgently to bring the Scheduled Tribes on par with others :-

(i) Priority will be accorded to opening primary schools in tribal areas. The construction of school buildings will be undertaken in these areas on a priority basis under the normal funds for education, as well as under the Jawahar Rozgar Yojana, Tribal Welfare schemes, etc.

(ii) The socio-cultural milieu of the STs has its distinctive characteristics including, in many cases, their own spoken languages. This underlines the need to develop the curricula and devise instructional materials in tribal languages at the initial stages, with arrangements for switching over to the regional language.

(iii) Educated and promising Scheduled Tribe youths will be encouraged and trained to take up teaching in tribal areas.

(iv) Residential schools, including Ashram Schools, will be established on a large scale.

(v) Incentive schemes will be formulated for the Scheduled Tribes, keeping in view their special needs and life styles. Scholarships for higher education will emphasise technical, professional and para-professional courses. Special remedial courses and other programmes to remove psycho-social impediments will be provided to improve their performance in various courses.

(vi) Anganwadis, Non-formal and Adult Education Centres will be opened on a priority basis in areas predominantly inhabited by the Scheduled Tribes.

(vii) The curriculum at all stages of education will be designed to create an awareness of the rich cultural identity of the tribal people as also of their enormous creative talent.

OTHER EDUCATIONALLY BACKWARD SECTIONS AND AREAS

4.7 Suitable incentives will be provided to all educationally backward sections of society, particularly in the rural areas. Hill and desert districts, remote and inaccessible areas and islands will be provided adequate institutional infrastructure.

MINORITIES

4.8 Some minority groups are educationally deprived or backward. Greater attention will be paid to the education of these groups in the interests of equality and social justice. This will naturally include the constitutional guarantees given to them to establish and administer their own educational institutions, and protection to their languages and culture. Simultaneously, objectivity will be reflected in the preparation of textbooks and in all school activities, and all possible measures will be taken to promote an integration based on appreciation of common national goals and ideals, in conformity with the core curriculum.

HANDICAPPED

4.9 The objective should be to integrate the physically and mentally handicapped with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence. The following measures will be taken in this regard :

(i) Wherever it is feasible, the education of children with motor handicaps and other mild handicaps will be common with that of others.

(ii) Special schools with hostels will be provided, as far as possible at district headquarters, for the severely handicapped children.

(iii) Adequate arrangements will be made to give vocational training to the disabled.

(iv) Teachers' training programmes will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children; and

(v) Voluntary effort for the education of the disabled, will be encouraged in every possible manner.

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VALUE EDUCATION

8.4 The growing concern over the erosion of essential values and an increasing cynicism in society has brought to focus the need for readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and moral values.

8.5 In our culturally plural society, education should foster universal and eternal values, oriented towards the unity and integration of our people. Such value education should help eliminate obscurantism, religious fanaticism, violence, superstition and fatalism.

8.6 Apart from this combative role, value education has a profound positive content, based on our heritage, national and universal goals and perceptions. It should lay primary emphasis on this aspect.

G.M. College of Education
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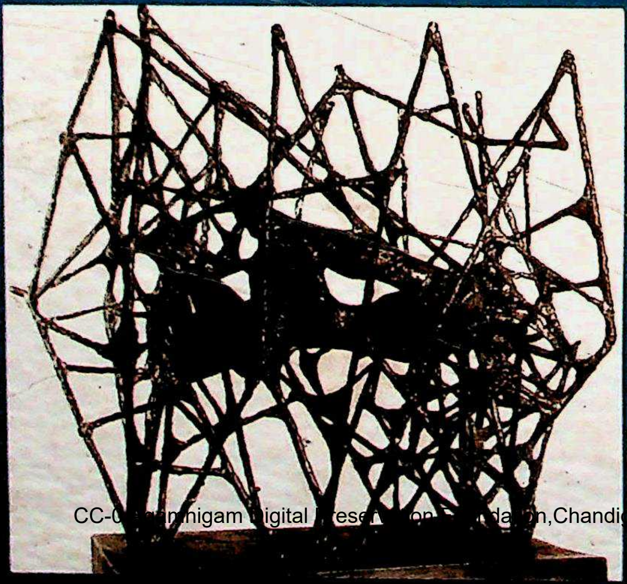

Picture of the Italian artist Luciano Minguzzi's entry for an international sculpture competition held in 1951 on the theme of *The Unknown Political Prisoner*